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in the Reader Aids section at the end of this issue.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1240

[Docket No. HRCIA-1]

Honey Research, Promotion, and Consumer Information Order; Decision Establishing Final Order Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final decision establishes a Honey Research, Promotion, and Consumer Information Order as authorized by the Honey Research, Promotion, and Consumer Information Act of 1984. The order was favored by more than the required two-thirds of the producers and importers voting in a referendum conducted by the Department on May 19-31, 1986. The order authorizes establishment of projects relating to research, consumer information, advertising, sales promotion, producer information, and market development to assist, improve, or promote the marketing, distribution, and utilization of honey and honey products. This order also defines the powers and duties of the National Honey Board, provides for collection of the one-cent per pound assessment, specifies the objective of Board activities, and provides a mechanism for terminating the program if it is not favored in any producer and importer referendum.

EFFECTIVE DATE: July 21, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, telephone: (202) 447-5697.

SUPPLEMENTARY INFORMATION:

Prior Documents in This Proceeding

Pre-notice press release issued May 29, 1985; Notice of Hearing—Issued June 25, 1985, and published June 28, 1985 (50 FR 26942); Correction of Docket Number—published July 12, 1985 (50 FR 28404); Recommended Decision—Issued January 23, 1986, and published January 29, 1986 (51 FR 3605); and Secretary's Decision—Issued May 2, 1986, and published May 6, 1986 (51 FR 16702).

Preliminary Statement

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is not subject to the requirements of Executive Order 12291.

This order is issued pursuant to the applicable rules of practice and procedure governing proceedings to formulate and amend an order (7 CFR Part 1200). This order is effective pursuant to the provisions of the Honey Research, Promotion, and Consumer Information Act, hereafter referred to as the "Act" (7 U.S.C. 4801-4812).

The order was formulated on the record of a public hearing with sessions in Washington, DC, on July 16, 1985, and Denver, Colorado, on July 30, 1985. Notice of the sessions was published in the June 28, 1985, issue of the Federal Register (50 FR 26942). That notice contained a proposed order submitted by the American Beekeeping Federation, Inc. (ABF).

The Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. The Honey Research, Promotion, and Consumer Information Order and rules issued thereunder are unique in that they are brought about through group action of essentially small entities for their own benefit. The great majority of handlers and importers of honey or honey products may be classified as small entities. While this action may impose some costs on affected handlers and importers and the number of such firms may be substantial, the added burden on small entities, if present at all, is not significant. Furthermore, an

exemption from regulation is provided for small producers, producer-packers, and importers who produce or import less than 6,000 pounds of honey or honey products annually. This exemption was included in the Act to reduce the burden on small business. Finally, any producer or importer may obtain a refund of the assessment collected from the producer or importer if demand is made within the time and in the manner prescribed by the Honey Board and approved by the Secretary; except that, during any year, the amount of refunds made to importers, as a percentage of total assessments collected from importers, shall not exceed the amount of refunds made to domestic producers, as a percentage of total assessments collected from such producers. Such refund shall be made by the Honey Board in June and December of each year.

Findings and Conclusions

The material issues, findings and conclusions, rulings, general findings, and regulatory provisions contained in the recommended decision and the Secretary's decision published in the Federal Register on January 29, 1986 (51 FR 3605), and May 6, 1986 (51 FR 16702) respectively, are incorporated by reference in this document and are hereby ratified and affirmed.

General Findings

Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The said order regulates the marketing of honey and honey products in the "States" in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed order upon which a hearing has been held;

(3) The said order is limited in its application to the only marketing area which is practicable consistent with carrying out the declared purposes of the Act; and

(4) The marketing of honey and honey products in the "States," as defined in said order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Additional Findings

It is necessary and in the public interest to make this order effective upon publication in the Federal Register so that the Honey Board, the administrative agency provided for in the order, may be nominated, selected, and may start to function as soon as possible. The honey industry has requested that the program become operational as soon as possible so that the promotional and other activities can be in place for the balance of the 1986 marketing year. Before the program can begin, however, it will be necessary for the Board to recommend a budget of anticipated expenses to the Department for review, appropriate revisions, and publication in the Federal Register. Also, it will be necessary for the Board to hire a staff to carry out the necessary administrative functions. Therefore, it appears that no useful purpose would be served by postponing the effective date of this order for 30 days beyond the date of its publication in the Federal Register.

Conclusions

It is hereby determined that: (1) The issuance of this order is favored or approved by producers and importers who participated in a referendum on the question of its approval and who, during the period January 1, 1984, through December 31, 1984 (which has been deemed to be a representative period), were engaged in the production or importation of 6,000 pounds or more of honey within the United States, including the Commonwealth of Puerto Rico; and (2) the issuance of this order is the appropriate means for carrying out the declared policy of the Act.

Order Relative to Production and Importation of Honey and Honey Products

It is therefore ordered, That on and after the effective date hereof, the handling and importation of honey and honey products shall be in conformity to and in compliance with the following terms and conditions:

List of Subjects in 7 CFR Part 1240

Honey, Agricultural research, Reporting and recordkeeping requirements, Market development, and Consumer information.

Final Order

The following order shall be the detailed means by which the foregoing conclusions may be carried out:

Chapter XI of Title 7 is hereby amended by adding Part 1240 to read as follows:

PART 1240—HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER**Definitions**

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1240.1	Secretary.
1240.2	Act.
1240.3	Person.
1240.4	Honey.
1240.5	Honey products.
1240.6	Producer.
1240.7	Handle.
1240.8	Handler.
1240.9	Producer-packer.
1240.10	Importer.
1240.11	Promotion.
1240.12	Research.
1240.13	Consumer education.
1240.14	Marketing.
1240.15	Committee.
1240.16	State association.
1240.17	Honey Board.
1240.18	State.
1240.19	Fiscal period and marketing year.
1240.20	Plans and projects.
1240.21	Part and subpart.

Honey Board

1240.30	Establishment and membership.
1240.31	Term of office.
1240.32	Nominations.
1240.34	Vacancies.
1240.35	Procedure.
1240.36	Attendance.
1240.37	Powers.
1240.38	Duties.

Research, Promotion, and Consumer Education

1240.39	Research, promotion, and consumer education.
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Expenses and Assessments

1240.40	Budget and expenses.
1240.41	Assessments.
1240.42	Exemption from assessment.
1240.43	Producer, importer and State assessment plan refund.
1240.44	Operating reserve.

Reports, Books, and Records

1240.50	Reports.
1240.51	Books and records.
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Miscellaneous

1240.60	Influencing governmental action.
1240.61	Right of the Secretary.
1240.62	Suspension or termination.
1240.63	Proceedings after termination.
1240.64	Effect of termination or amendment.
1240.65	Personal liability.
1240.66	Separability.
1240.67	Patents, copyrights, inventions, and publications.

Authority: Honey Research, Promotion, and Consumer Information Act 7 U.S.C. 4601-4612.

Definitions**§ 1240.1 Secretary.**

"Secretary" means the Secretary of Agriculture of the United States, or any

other officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his/her stead.

§ 1240.2 Act.

"Act" means the Honey Research, Promotion, and Consumer Information Act (Pub. L. 98-590) and any amendments thereto.

§ 1240.3 Person.

"Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

§ 1240.4 Honey

"Honey" means the nectar and saccharine exudations of plants which are gathered, modified, and stored in the comb by honey bees.

§ 1240.5 Honey products.

"Honey products" means products wherein honey is a principal ingredient.

§ 1240.6 Producer.

"Producer" means any person who produces honey in any State for sale in commerce.

§ 1240.7 Handle.

"Handle" means to process, package, sell, transport, purchase or in any other way place honey or honey products, or cause them to be placed, in the current of commerce. Such term shall include selling unprocessed honey that will be consumed without further processing or packaging. Such term shall not include the transportation of unprocessed honey by the producer to a handler or transportation by a commercial carrier of honey, whether processed or unprocessed for the account of the handler or producer.

§ 1240.8 Handler.

"Handler" means any person who handles honey or honey products.

§ 1240.9 Producer-packer.

"Producer-packer" means any person who is both a producer and handler of honey or honey products.

§ 1240.10 Importer.

"Importer" means any person who imports honey or honey products into the United States as principal or as an agent, broker, or consignee for any person who produces honey outside of the United States for sale in the United States.

§ 1240.11 Promotion.

"Promotion" means any action, including paid advertising and public

relations, to present a favorable image for honey or honey products to the public with the express intent of improving the competitive position and stimulating sales of honey or honey products.

§ 1240.12 Research.

"Research" means any type of systematic study or investigation, and/or the evaluation of any study or investigation designed to advance the image, desirability, usage, marketability, production, or quality of honey or honey products.

§ 1240.13 Consumer education.

"Consumer education" means the act of providing information to the public on the usage and care of honey and honey products.

§ 1240.14 Marketing.

"Marketing" means the sale or other disposition in commerce of honey or honey products.

§ 1240.15 Committee.

"Committee" means or the "National Honey Nominations Committee" means the Committee established pursuant to § 1240.32.

§ 1240.16 State association.

"State association or 'association'" means that organization of beekeepers in a State which is generally recognized as representing the beekeepers of that State.

§ 1240.17 Honey Board.

"Honey Board" or the "Board" means the administrative body established pursuant to § 1240.30.

§ 1240.18 State.

"State" means any of the fifty States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 1240.19 Fiscal period and marketing year.

"Fiscal period" and "marketing year" means the 12-month period ending on December 31 or such other consecutive 12-month period as shall be recommended by the Board and approved by the Secretary.

§ 1240.20 Plans and projects.

"Plans" and "projects" means those research, promotion, and consumer education plans, studies, or projects established pursuant to §§ 1240.38 and 1240.39.

§ 1240.21 Part and subpart.

"Part" means the Honey Research, Promotion, and Consumer Information Order and all rules, regulations, and

supplemental orders issued thereunder, and the order shall be a "subpart" of such part.

Honey Board

§ 1240.30 Establishment and membership.

A Honey Board (hereinafter called the "Board") is hereby established to administer the terms and provisions of this part. The Board shall consist of thirteen (13) members, each of whom shall have an alternate. Seven members and seven alternates shall be honey producers, two members and two alternates shall be honey handlers, two members and two alternates shall be honey importers, one member and one alternate shall be an officer or employee of a honey marketing cooperative, and one member and one alternate shall be selected to represent the general public. The Board shall be appointed by the Secretary from nominations submitted by the National Honey Nominations Committee pursuant to § 1240.32.

§ 1240.31 Term of office.

The members of the Board and their alternates shall serve for terms of three years, except the members of the initial Board shall be designated for, and shall serve terms as follows: Four members and alternates shall serve for one-year terms; four shall serve for two-year terms; and five shall serve for three-year terms. No member or alternate shall serve more than two consecutive terms: *Provided*, That those members and alternates serving the initial term of one year may serve two additional consecutive three-year terms. The term of office for the initial Board shall begin immediately on appointment by the Secretary. In subsequent years, the term of office shall begin on April 1. Each member and alternate member shall continue to serve until his/her successor is selected and has accepted.

§ 1240.32 Nominations.

All nominations to the Board authorized under § 1240.30 herein shall be made in the following manner.

(a) *Establishment of National Honey Nominations Committee.* (1) There is hereby established a National Honey Nominations Committee, hereinafter called the "Committee", which shall consist of not more than one member from each State, appointed by the Secretary from nominations submitted by each State Association. Wherever there is more than one eligible association within a State, the Secretary shall designate the association most representative of the honey producers, handlers, and importers not exempt under § 1240.42(a) to make nominations for that State.

(2) If a State Association does not submit a nomination for the Committee, the Secretary may select a member of the honey industry from that State to represent that State on the Committee. However, if a State which is not one of the top twenty honey producing States (as determined by the Secretary) does not submit a nomination, such State shall not be represented on the Committee.

(3) Members of the Committee shall serve for three-year terms, except members of the initial Committee shall serve for terms as follows: One-third of such members shall serve one-year terms; one-third shall serve two-year terms; and one-third shall serve three-year terms. No member shall serve more than two consecutive three-year terms: *Provided*, That those members serving the initial term of one year may serve two additional consecutive three-year terms. The term of office for the initial Committee shall begin immediately on appointment by the Secretary. In subsequent years, the term of office shall begin on January 1.

(4) The Committee shall select its Chairperson by a majority vote.

(5) The members of the Committee shall serve without compensation, but shall be reimbursed for necessary and reasonable expenses incurred in performing their duties as members of the Committee and approved by the Board. Such expenses shall be paid from funds collected by the Board pursuant to § 1240.41.

(b) *Nominations to the Board.* (1) Except for the member and alternate who represent the general public, the Committee shall nominate the members and alternate members of the Honey Board and submit such nominations promptly to the Secretary for approval. The Committee shall also submit a list of candidates to the Secretary for the public member and alternate public member position. The Secretary may choose from that list of names or, at his/her discretion, choose other candidates to fill the public member and alternate position.

(2) After the first meeting, the Committee shall meet annually to make such nominations, or at the determination of the Chairperson, the Committee may conduct its business by mail ballot in lieu of an annual meeting.

(3) A majority of the Committee shall constitute a quorum for voting at an annual meeting. In the event of a mail ballot, votes must be received from a majority of the Committee to constitute a quorum.

(4) At least 50 percent of the members from the twenty leading honey-

producing states must vote in any nomination of members to the Board.

(5) For the purpose of nominating producer members to the Board, the Secretary shall establish seven regions on the basis of the production of honey. For the purpose of facilitating initial nominations to the Honey Board, the following regions shall be the initial regions: Region 1: Washington, Oregon, Idaho, California, Nevada, Utah, Alaska, and Hawaii. Region 2: Montana, Wyoming, Nebraska, Kansas, Colorado, Arizona, and New Mexico. Region 3: North Dakota and South Dakota. Region 4: Minnesota, Iowa, Wisconsin, and Michigan. Region 5: Texas, Oklahoma, Missouri, Arkansas, Tennessee, Louisiana, Mississippi, and Alabama. Region 6: Florida, Georgia, and Puerto Rico. Region 7: Illinois, Indiana, Ohio, Kentucky, Virginia, North Carolina, South Carolina, West Virginia, Maryland, District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine.

(6) Every five years, the Board shall review the regions to determine whether new regions should be established. In making such review, it shall give consideration to: (i) The average quantity of honey produced during the most recent three years; (ii) Shifts and trends in quantities of honey produced; (iii) The equitable relationship of Board membership and districts; and (iv) Other relevant factors. As a result of this review, the Board may recommend for the Secretary's approval the reestablishment of such regions. Any such reestablishment of regions shall be made at least six months prior to the date on which terms of office of the Board begin each year and shall become effective at least 30 days prior to such date.

(7) The initial Committee shall within 90 days of the announcement of issuance of this order, or such other period as prescribed by the Secretary, submit in a manner prescribed by the Secretary the following nominations:

(i) One producer member and one alternate producer member from each of the seven regions established by the Secretary;

(ii) Two handler members and two alternate handler members from recommendations made by industry organizations representing handler interests;

(iii) Two importer members and two alternate importer members from recommendations made by industry organizations representing importer interests; and

(iv) One member and one alternate who are officers or employee of honey marketing cooperatives.

(v) For subsequent years, the Committee shall submit its nominations to the Secretary one month before the new Board terms begin.

§ 1240.34 Vacancies.

(a) In the event any member of the Board ceases to be a member of the category of members from which the member was appointed to the Board, such position shall automatically become vacant.

(b) If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a member of the Board engages in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that he/she be removed from office. If the Secretary finds the recommendation of the Board shows adequate cause, he/she shall remove such member from office.

(c) Should any member position become vacant, the alternate of that member shall automatically assume the position of said member. At its next meeting, the Honey Nominations Committee shall nominate a replacement for said alternate. Should the positions of both a member and such member's alternate become vacant, successors for the unexpired terms of such member and alternate shall be nominated and appointed in the manner specified in §§ 1240.30 and 1240.32, except that said nomination and replacement shall not be required if said unexpired terms are less than six months.

§ 1240.35 Procedure.

(a) Seven members, including alternates acting in place of members of the Board, shall constitute a quorum; *Provided*, That such alternates shall serve only whenever the member is absent from a meeting or is disqualified. Any action of the Board shall require the concurring votes of a majority of those present and voting. At assembled meetings, all votes shall be cast in person.

(b) In matters of an emergency nature when there is not enough time to call an assembled meeting of the Board, the Board may act upon the concurring votes of a majority of its members by mail, telephone, telegraph, or by other means of communication: *Provided*, That each proposition is explained accurately, fully, and substantially identically to each member. All telephone votes shall be promptly confirmed in writing and recorded in the Board minutes.

§ 1240.36 Attendance.

Members of the Board and the members of any special panels shall be reimbursed for reasonable out-of-pocket expenses incurred when performing Board business. The Board shall have the authority to request the attendance of alternates of any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1240.37 Powers.

The Board shall have the following powers subject to § 1240.61:

(a) To administer this subpart in accordance with its terms and provisions of the Act;

(b) To make rules and regulations to effectuate the terms and conditions of this subpart;

(c) To require its employees to receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1240.38 Duties.

The Board shall have, among other things, the following duties:

(a) To meet and organize and to select from among its members a chairperson and such other officers as may be necessary; to select committees and subcommittees from its membership and consultants; to adopt such rules, regulations, and by-laws for the conduct of its business as it may deem advisable.

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) To prepare and submit to the Secretary for his/her approval, a budget on a fiscal period basis of its anticipated expenses in the administration of this part including the probable costs of all programs or projects and to recommend a rate of assessment with respect thereto;

(d) To investigate violations of the order and report the results of such investigations to the Secretary for appropriate action to enforce the provisions of the order.

(e) To develop programs and projects and to enter into contracts or agreements with the approval of the Secretary for the development and carrying out of programs or projects of research, development, advertising, promotion, or education, and the payment of the costs thereof with funds collected pursuant to this part;

(f) To maintain minutes, books, and records and prepare and submit to the

Secretary such reports from time to time as may be required for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it;

(g) To periodically prepare and make public and to make available to producers and importers, reports of its activities carried out, and at least once each fiscal period to make public an accounting of funds received and expended;

(h) To cause its books to be audited by a certified public accountant at the end of each fiscal period and to submit a copy of each audit to the Secretary;

(i) To give to the Secretary the same notice of meetings of the Board and subcommittees as is given to members in order that representatives of the Secretary may attend such meetings;

(j) To submit to the Secretary such information pertaining to this subpart as he/she may request;

(k) To notify honey producers, producer-packers, handlers, and importers of all Board meetings through press releases or other means;

(l) To appoint and convene, from time to time, working committees drawn from producers, honey handlers, importers, exporters, members of the wholesale or retail outlets for honey, or other members of the public to assist in the development of research, promotion, and consumer education programs for honey; and

(m) To develop and recommend such rules and regulations to the Secretary for approval as may be necessary for the development and execution of projects or activities to effectuate the declared purpose of the Act.

Research, Promotion, and Consumer Education

§ 1240.39 Research, promotion, and consumer education.

The Board shall develop and submit to the Secretary for approval any plans or projects authorized in this section. Such plans or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate plans or projects for consumer education, advertising, and promotion of honey and honey products designed to strengthen the position of the honey industry in the marketplace and to maintain, develop, and expand markets for honey and honey products;

(b) The establishment and conduct of marketing research and development projects to the end that the acquisition of knowledge pertaining to honey and honey products or their consumption and use may be encouraged or expanded, or to the end that the

marketing and utilization of honey and honey products may be encouraged, expanded, improved or made more efficient: *Provided*, That quality control, grade standards, supply management programs, or other programs that would otherwise limit the right of the individual honey producer to produce honey shall not be conducted under, or as a part of this subpart;

(c) The development and expansion of honey and honey product sales in foreign markets;

(d) A prohibition on advertising or other promotion programs that make any false or unwarranted claims on behalf of honey or its products or false or unwarranted statements with respect to the attributes or use of any competing product;

(e) Periodic evaluation by the Board of each plan or project authorized under this part to insure that each plan or project contributes to an effective and coordinated program of research, education, and promotion and submit such evaluation to the Secretary. If the Board or the Secretary finds that a plan or project does not further the purposes of the Act, then the Board shall terminate such plan or project; and

(f) The Board to enter into contracts or make agreements for the development and carrying out of research, promotion, and consumer education, and pay for the costs of such contracts or agreements with funds collected pursuant to § 1240.41.

Expenses and Assessments

§ 1240.40 Budget and expenses.

(a) At the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of the Order, including expenses of the Committee and probable costs of research, promotion, and consumer education.

(b) The Board is authorized to incur expenses for research, promotion, and consumer education, such other expenses for the administration, maintenance, and functioning of the Board and the Committee as may be authorized by the Secretary, any operating reserve established pursuant to § 1240.44, and those administrative costs incurred by the Department specified in paragraph (c) of this section. The funds to cover such expenses shall be paid from assessments collected pursuant to § 1240.41, donations from any person not subject to assessments under this order and other funds available to the Board including those

collected pursuant to § 1240.67 and subject to the limitations contained therein.

(c) The Board shall reimburse the Department from assessments for administrative costs incurred by the Department with respect to this order after its promulgation. The Department shall also be reimbursed for administrative expenses incurred by it for the conduct of referenda.

§ 1240.41 Assessments.

(a) Each producer and importer shall pay to the Board, upon demand, his/her pro rata share of such expenses as may be approved by the Secretary pursuant to § 1240.40. Such pro rata share shall be the amount established by the Secretary pursuant to paragraph (c) of this section.

(b) Except as provided in § 1240.42 and in paragraphs (e), (f), and (g) of this section, the first handler shall be responsible for the collection of such assessment from the producer and payment thereof to the Board. The first handler shall maintain separate records for each producer's honey handled, including honey produced by said handler.

(c) The assessment on honey shall be levied at a rate fixed by the Secretary which shall be \$0.01 per pound of honey or honey used in honey products during the first fiscal period (or portion thereof) after this order is approved in referendum. After that first year, the Board may request the Secretary to increase the assessment rate not more than \$0.005 per pound of honey per year: *Provided*, That the assessment never exceeds \$0.04 per pound of honey per year. After the first year, the Board may request the Secretary to decrease the assessment rate by any amount it sees fit.

(d) Should a deficit occur during any fiscal period, funds to cover the deficit may be obtained by increasing the rate of assessment subject to the limitations in paragraph (c) of this section. The increased rate of assessment shall be applied to all honey and the honey used in products wherein honey is the primary ingredient sold in the States during that particular fiscal period so that the total payments by each person during each fiscal period will be proportional to the total value of the honey and honey products sold during that period.

(e) The importer of imported honey and honey products shall pay the assessment to the Board at the time of entry of such honey and honey products into any State.

(f) Producer-packers shall pay to the Board the assessment on the honey for which they act as first handler.

(g) Whenever a loan is made on honey under the Honey Loan-Price Support Program, the Secretary shall provide that the assessment be deducted from the proceeds of the loan, and that the amount of such assessment shall be forwarded to the Board, except that the assessment shall not be deducted by the Secretary in the case of a honey marketing cooperative that has already deducted the assessment. When such loan is redeemed, the Secretary shall provide the producer with proof of payment of the assessment.

(h) Assessments shall be paid to the Board at such time and in such manner as the Board, with the Secretary's approval, directs pursuant to regulations issued hereunder. Such regulations may provide for different handler, importer, or producer-packer payment schedules so as to recognize differences in marketing or purchasing practices and procedures.

(i) There shall be a late payment charge imposed on any handler, importer, or producer-packer who fails to remit to the Board the total amount for which any such handler, importer, or producer-packer is liable on or before the payment due date established by the Board under paragraph (h) of this section. The amount of the late payment charge shall be set by the Board subject to approval by the Secretary.

(j) There shall also be imposed on any handler, importer, or producer-packer subject to a late payment charge, an additional charge in the form of interest on the outstanding portion of any amount for which the handler, importer, or producer-packer is liable. The rate of such interest shall be prescribed by the Board subject to approval by the Secretary, but shall not exceed the maximum legal rate of interest, if any, as established by Congress.

(k) The Board is hereby authorized to accept advance payment of assessments by handlers, importers, or producer-packers that shall be credited toward any amount for which the handlers, importers or producer-packers may become liable. The Board is not obligated to pay interest on any advance payment.

(l) The Board is hereby authorized to borrow money for the payment of expenses subject to the same fiscal, budget, and audit controls as other funds of the Board.

§ 1240.42 Exemption from assessment.

(a) A producer who produces less than 6,000 pounds of honey per year, or a producer-packer who produces and

handles less than 6,000 pounds of honey per year or an importer who imports less than 6,000 pounds of honey per year shall be exempt from the assessment.

(b) To claim such exemption, a producer, producer-packer, or importer shall submit an application to the Board stating that his/her production, handling or importation of honey shall not exceed 6,000 pounds for the year for which the exemption is claimed.

(c) The Board may recommend to the Secretary that honey exported from the States be exempted from the provisions of this order, and include procedures for the refund of assessments on such honey and such safeguards as may be necessary to prevent improper use of this exemption.

(d) The Board shall determine those States that are operating a program with objectives comparable to the objectives of the Act and recommend to the Secretary that they be exempted from a portion of the assessments collected by the Federal program. The amount of such assessments subject to exemption shall not exceed the amount authorized by the State plan on January 1, 1985, unless a State provides evidence that it was in the process of promulgating a different assessment level on January 1, 1985, then the new assessment level promulgated will be exempt upon approval of the honey producers in that State. Producers having an exemption from a portion of the assessments under this order, due to payment of assessments to a State plan, shall be required to furnish evidence to the Board that the assessments to the State plan have been paid.

§ 1240.43 Producer, importer, and State assessment plan refund.

(a) Any producer or importer who pays an assessment under the authority of this part shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof to the staff of the Board that the producer or importer paid the assessment for which refund is sought, except that producers who have honey pledged as collateral for a loan under the Honey Loan-Price Support Program and therefore have paid the assessment, shall not be eligible for a refund until the loan has been repaid, or the honey has been turned over to the Commodity Credit Corporation. The amount of refunds during any year made to importers, as a percentage of total assessments collected from all importers, shall not exceed the amount of refunds made to domestic producers, as a percentage of total assessments collected from such producers. Any demand for refund shall be made by the

producer or importer within the time and in the manner prescribed by the Board and approved by the Secretary. Refunds made in accordance with this section shall be paid by the Board in June and December of each year.

(b) Any State authority operating pursuant to a State assessment plan satisfying the conditions of paragraph (b)(1) of this section may obtain a refund of assessments collected by the Board on honey and/or honey products produced in that State except as provided in paragraph (b)(2) of this section.

(1) Refunds shall be paid only if the Secretary certifies that the State assessment plan:

(i) Is comparable to the program established under the Act and this part; and

(ii) Was in existence and in operation on January 1, 1985.

(2) Refunds shall be made directly to States, except that any refunds due directly to producers under this part shall take precedence over State programs and in no event exceed the amount collected by the Board on honey produced in the requesting State, and the amount of any refund shall be limited in accordance with the provisions of this subpart.

(3) Refunds made to a State authority pursuant to this paragraph shall not be included in the formula pertaining to importer refunds as set forth in paragraph (a) of this section.

§ 1240.44 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in any reserve so established: *Provided*, That the funds in the reserve shall not exceed one fiscal period's budget. Subject to approval by the Secretary, such reserve funds may be used to defray any expenses authorized under this part.

Reports, Books, and Records

§ 1240.50 Reports.

Each handler, importer, and producer-packer who is subject to this part shall be required to report to the employees of the Board, at such times and in such manner as it may prescribe, such information as may be necessary for the Board to perform its duties. Such reports shall include, but shall not be limited to the following:

(a) For handlers and producer-packers; total quantity of honey acquired during the reporting period; total quantity handled during period; amount of honey acquired from each producer, giving name and address of

each producer, including those producers who claim exemption from assessment; copy of statement claiming exemption from assessment from those who claim such exemption; assessments collected or collectible during the reporting period; quantity of honey processed for sale from producer-packer's own production; and record of each transaction for honey on which assessment had already been paid, including statement from seller that assessment had been paid.

(b) For importers; total quantity of honey imported during the reporting period and a record of each importation of honey during such period, giving quantity, date, and port of entry.

§ 1240.51 Books and records.

Each handler, importer, and producer-packer shall maintain and during normal business hours make available for inspection by employees of the Board or the Secretary, such books and records as are necessary to carry out the provisions of this subpart and the regulations issued thereunder, including such records as are necessary to verify any required reports. Such records shall be maintained for two years beyond the fiscal period of their applicability.

§ 1240.52 Confidential treatment.

All information obtained from the books, records, or reports required to be maintained under §§ 1240.50 and 1240.51 shall be kept confidential and shall not be disclosed to the public by any person. Only such information as the Secretary deems relevant shall be disclosed to the public and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart: Except that nothing in this subpart shall be deemed to prohibit:

(a) The issuance of general statements based upon the reports of a number of handlers or importers subject to any order, if such statements do not identify the information furnished by any person;

(b) The publication by direction of the Secretary, of the name of any person convicted of violating this subpart, together with a statement of the particular provisions of the Order violated by such person.

(c) Any disclosure of any confidential information by any employee of the Board shall be considered willful misconduct.

Miscellaneous

§ 1240.60 Influencing governmental action.

No funds collected by the Board under this order shall in any manner be used for the purpose of influencing governmental policy or action, except for making recommendations to the Secretary as provided for in this subpart.

§ 1240.61 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1240.62 Suspension or termination.

(a) The Secretary shall, whenever he/she finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this subpart or such provisions thereof.

(b) Five years from the date the Secretary issues an order authorizing the collection of assessments on honey under provisions of this subpart, and every five years thereafter, the Secretary shall conduct a referendum to determine if honey producers and importers favor the continuation, termination, or suspension of this subpart.

(c) The Secretary shall hold a referendum on the request of the Board, or when petitioned by 10 percent or more of the honey producers and importers to determine if the honey producers and importers favor termination or suspension of this subpart.

§ 1240.63 Proceedings after termination.

(a) Upon the termination of this subpart, the Board shall recommend to the Secretary not more than five of its members to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in possession or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to § 1240.38;

(3) From time to time account for all receipts and disbursements and deliver

all property on hand, together with all books and records of the Board and of the trustees, to such person as the Secretary may direct; and

(4) Upon the direction of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligations as imposed upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be returned to the persons who contributed such funds, or paid assessments, or if not practicable, shall be turned over to the Department to be utilized, to the extent practicable, in the interest of continuing one or more of the honey research or education programs hitherto authorized.

§ 1240.64 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued thereunder, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or of any regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, or of any person, with respect to any such violation.

§ 1240.65 Personal liability.

No member, alternate member, or employee of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee, except for acts of dishonesty or willful misconduct.

§ 1240.66 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this subpart, or the applicability thereof to other persons or

circumstances shall not be affected thereby.

§ 1240.67 Patents, copyrights, inventions, and publications.

Except for a reasonable royalty paid to the inventor of a patented invention, any patents, copyrights, inventions, product formulations, or publications developed through the use of funds collected under the provisions of this subpart shall be the property of the United States government as represented by the Board. Funds generated by such patents, copyrights, inventions, product formulations, or publications shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board.

Signed this day at Washington, DC, July 15, 1986.

Alan T. Tracy,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86-16292 Filed 7-18-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 371

[Docket No. 60609-6109]

Exporting Under General License Baggage

Correction

In FR Doc. 86-16042 beginning on page 25683 in the issue of Wednesday, July 16, 1986, make the following corrections:

1. On page 25683, in the second column, in the **DATES** caption, second line, "1987" should read "1986".

§ 371.6 [Corrected]

2. On page 25684, in the second column, in § 371.6(a), eighth line, "on" should read "or".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1304

Records and Reports of Registrants Changes in Records Requirements for Individual Practitioners

Correction

In FR Doc. 85-23354 beginning on page 40522 in the issue of Friday, October 4, 1985, make the following correction:

§ 1304.03 [Corrected]

On page 40523 in the first column, in § 1304.03(b), third line, the reference to "§ 1308.04" should read "§ 1304.04".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3 86-20]

Regatta; River Spectacular on the Delaware, Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special Local Regulations are being adopted for the River Spectacular on the Delaware sponsored by River Spectacular, Inc. of Philadelphia, Pennsylvania. This event will include high speed boat races using unlimited hydroplane vessels and Jersey Skiffs on about 3.4 miles of the Delaware River in the vicinity of Philadelphia, PA. The purpose of this regulation is to provide for the safety of participants and spectators on navigable waters during this event.

EFFECTIVE DATES: This regulation becomes effective from 10:00 a.m. through 5:00 p.m. each day on August 22, 23, and 24, 1986. In case of postponement of the races due to weather, those regulations in effect on Sunday, August 24, 1986 are in effect the following day.

FOR FURTHER INFORMATION CONTACT: Mr. Lucas A. Dlhopsky, (212) 668-7974.

SUPPLEMENTARY INFORMATION: On June 9, 1986 the Coast Guard published a notice of proposed rulemaking in the *Federal Register* for this regulation (51 FR 20844-20845). Interested persons were invited to submit comments. No comments were received.

Drafting Information:

The drafters of this notice are Mr. Lucas A. Dlhopsky, Project Officer, Third Coast Guard District Boating Safety Office, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Regulations

The River Spectacular on the Delaware, sponsored by River Spectacular, Inc. is a series of marine events to be held on the Delaware River on August 22, 23 and 24, 1986. The events will consist of unlimited hydroplane races (known as

"Hydrocade '86") sanctioned by the Unlimited Racing Commission and limited class ("Jersey Skiff") races. In addition, there will be water ski exhibitions and celebrity races at various times on Saturday and Sunday. The powerboats participating in the races will be 30 foot unlimited hydroplanes and 16 foot Jersey Skiffs. The oval race course will be located on the Delaware River between the Walt Whitman bridge (river mile 96.8) and the Benjamin Franklin bridge (river mile 100.2) and will involve the full width of the river.

Time trials will be run on Friday, August 22 and Saturday, August 23, 1986 from 10:00 a.m. to 12:00 noon and again from 2:00 p.m. to 5:00 p.m. each day. In addition, on Sunday, August 24, 1986 there will be a hydroplane testing period between 10:00 a.m. and 12:00 noon. During these times waterborne commerce will be allowed to transit the regulated area after providing at least two hours advance notice to the Coast Guard Patrol Commander. All such transits will be at the patrol commander's discretion and in accordance with his instructions. Transiting vessel's speed will be such that wake is minimized while steerageway is maintained. Recreational craft wishing to transit the regulated area will also be permitted to pass at the discretion of the Coast Guard Patrol Commander.

The hydroplane and Jersey Skiff races will be held on Sunday, August 24, 1986 from 12:00 noon to 5:00 p.m. During these hours no vessel traffic other than race participants and patrol craft will be permitted in the regulated area. In the event of inclement weather on 24 August, the races will be postponed to the following day, Monday, August 25, 1986 during the same times. If this occurs, these special local regulations will be effective on Monday instead of Sunday.

Spectator areas will be established up and downstream of the race course in the vicinity of the two bridges. Spectator vessels will remain clear of the existing navigable channel and heed the instructions of the Coast Guard Patrol Commander and patrol personnel particularly in regard to the turning zones at the up and downstream ends of the race course. The sponsor plans to place temporary buoys on the river to mark these turning points.

The sponsor has met with local commercial marine interests represented by the Ports of Philadelphia Maritime Exchange. As a result of these meetings agreement was reached concerning transit of waterborne commerce during

the effective period of these regulations. The U.S. Coast Guard will assist the sponsor and local authorities in providing a safety patrol during this event. In order to provide for the safety of life and property, the Coast Guard will restrict vessel movement and establish spectator areas prior to and during this event.

Discussion of Comments

No comments were received.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this regulation is expected to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the races. This should have a favorable impact on commercial facilities providing services to the spectators. Coordination with local commercial marine interests which has already been accomplished should minimize any adverse impact on waterborne commerce during the effective period of these regulations.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended by adding a temporary § 100.35-326 to read as follows:

§ 100.35-326 River Spectacular on the Delaware, Philadelphia, PA.

(a) *Regulated Area*: That portion of the Delaware River between the Walt Whitman bridge (river mile 96.8) and the Benjamin Franklin bridge (river mile 100.2) for the full width of the river.

(b) *Effective Period*: This regulation is effective from 10:00 a.m. through 5:00 p.m. each day on August 22, 23 and 24, 1986. In case of postponement of the races due to weather, those regulations in effect on Sunday, August 24, 1986 are in effect the following day.

(c) Special Local Regulations:

(1) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators.

(2) No person or vessel shall enter or remain in the regulated area unless participating in the event, or authorized to be there by the sponsor or Coast Guard patrol personnel.

(3) At least 30 minutes prior to the start of the races and other events, spectator vessels must be at anchor within a designated spectator area or moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the events.

(4) On Friday and Saturday, August 22 and 23, 1986 between 10:00 a.m. and 5:00 p.m. each day on August 25, 1986 between 10:00 a.m. and 12:00 noon, commercial vessels may transit the regulated area after providing two hours advance notice to, and at the discretion of, the Coast Guard Patrol Commander. During these times, recreational vessels may transit the regulated area at the discretion, and in accordance with the directions, of the Coast Guard Patrol Commander.

(5) On Sunday, August 25, 1986 between 12:00 noon and 5:00 p.m., during the unlimited hydroplane and Jersey Skiff races, no vessel shall enter or transit the regulated area unless so directed by the Coast Guard Patrol Commander.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(5) For any violation of these regulations, the following maximum penalties are authorized by law:

(i) \$500 for any person in charge of the navigation of a vessel.

(ii) \$500 for the owner of a vessel actually on board.

(iii) \$250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

Dated: July 14, 1986.

D.C. Thompson,

Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc. 85-16318 Filed 7-18-85; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 100 and 165

[CGD 86-044]

List of Temporary Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of Temporary Rules Issued.

SUMMARY: This document gives notice of temporary safety zones, security zones, and special local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety Zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. Security zones are temporarily established in response to a risk to national security present in a particular area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

DATES: The following list includes safety zones, security zones, and special local regulations that were established between April 1, 1986 and June 30, 1986 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the last published list.

ADDRESS: The complete text of any temporary regulations may be examined at, and is available on request from, Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Bruce Novak, Deputy Executive Secretary, Marine Safety Council at (202) 267-1477.

SUPPLEMENTARY INFORMATION: The local Captain of the Port must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these regulations. Since marine events and emergencies usually take place without advance notice or warning, timely publication of notice in the Federal Register is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action,

Federal Register notice is not required to place the special local regulations, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the Federal Register notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary special local regulations,

security zones, and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the Federal Register just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Nonmajor safety zones, special local regulations, and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period April 1, 1986 through June 30, 1986 unless otherwise indicated:

Docket No.	Location	Type	Effective date
COTP Providence, RI:			
1-86-05	Quonset Point, RI	Safety zone	May 17, 1986.
1-86-02	Narragansett Bay	do	Apr. 4, 1986.
COTP Boston, MA:			
1-86-06	Boston inner harbor	do	June 6, 1986.
1-86-02	Newport to Bermuda race	Special local regulations	(?).
COTP Pittsburgh, PA:			
86-06	Monongahela River, Mile 60.0	Safety zone	Nov. 22, 1986.
86-05	Monongahela River, Mile 11.1	do	Nov. 23, 1986.
86-01	Ohio River, Mile 106.0	do	May 16, 1986.
COTP Paducah, KY:			
86-01	Mississippi River, Mile 7.0	do	Jan. 12, 1986.
COTP Memphis, TN:			
86-03	Arkansas River, Mile 314.0	do	Mar. 26, 1986.
86-08	Mississippi River, Mile 734.7	do	June 7, 1986.
86-07	do	do	May 31, 1986.
86-05	do	do	May 3, 1986.
86-06	Arkansas River, Mile 118.8	do	May 24, 1986.
COTP St. Louis, MO:			
86-02	Mississippi River, Mile 200.8	do	Apr. 25, 1986.
2-86-11	Illinois River, Mile 162.3	Special local regulation	June 13, 1986.
2-86-12	Tennessee River, Mile 463.5	do	June 21, 1986.
2-86-03	Mississippi River, Mile 738.5	do	May 10, 1986.
2-86-04	Ohio River, Mile 604.0	do	Apr. 30, 1986.
2-86-06	Ohio River, Mile 327.0	do	June 28, 1986.
2-86-09	Tennessee River, Mile 470.5	do	June 7, 1986.
86-01	Mississippi River, Mile 179.3	Security zone	Apr. 30, 1986.
3-86-12	Riverhead, LI, NY	Safety zone	Apr. 3, 1986.
3-86-11	Delaware River, Como Barry Bridge	do	Mar. 21, 1986.
3-86-10	Delaware River, Mile 117.8	do	Mar. 17, 1986.
3-86-17	New York Bay, Staten Island	do	May 5, 1986.
3-86-22	Hempstead Harbor, LI	do	May 23, 1986.
3-86-25	Upper New York Bay	do	May 31, 1986.
3-86-24	Upper New York Bay	do	May 30, 1986.
3-86-31	Passaic River, Mile 4.6	do	June 17, 1986.
3-86-26	Upper New York Bay	do	June 14, 1986.
3-86-29	Great South Bay	do	June 30, 1986.
3-86-28	Upper New York Bay	do	June 29, 1986.
3-86-35	Riverhead, LI, NY	do	June 25, 1986.
3-86-32	Lower East River	do	Do.
3-86-15	East River, Flushing Bay	Security zone	Apr. 17, 1986.
3-86-16	Upper New York Bay	do	Apr. 18, 1986.
3-86-19	Cape May, NJ	Special local regulation	June 21, 1986.
5-86-09	Wicomico River	do	May 3, 1986.
5-86-10	Severn River	do	May 18, 1986.
5-86-12	Elizabeth River	do	May 25, 1986.
5-86-13	do	do	June 8, 1986.
5-86-14	New Bern, NC	do	June 21, 1986.
5-86-15	Baltimore Inner Harbor	do	June 14, 1986.
5-86-16	do	do	Do.
COTP Hampton Roads, VA:			
86-02	South Branch, Elizabeth River	Safety zone	Apr. 6, 1986.
86-04	Elizabeth River	do	Apr. 19, 1986.
86-06	South Branch, Elizabeth River	do	May 28, 1986.
COTP Huntington, WV:			
86-03	Kanawha River, Mile 52.8	do	Apr. 7, 1986.
COTP Hampton Roads, VA:			
86-05	South Branch, Elizabeth River	do	May 15, 1986.
7-86-15	Marathon offshore challenge	Special local regulation	May 3, 1986.
COTP Charleston, SC:			
86-165 to 721	Charleston, SC	Safety zone	May 19, 1986.
86-165 to 722	Charleston, SC	do	June 8, 1986.
COTP Savannah, GA:			
86-24	Parris Island	Security zone	June 4, 1986.
86-27	Savannah, GA	do	June 27, 1986.
COTP Houston, TX:			
86-01	Morgans Point	Safety zone	Feb. 2, 1986.
86-02	Newpark shipyard	do	Mar. 20, 1986.
86-03	Beltway 8 bridge	do	Mar. 6, 1986.
86-04	Houston ship channel, Light 71	do	Mar. 27, 1986.
86-05	Houston ship channel, Marker 129	do	Apr. 18, 1986.
COTP Mobile, AL:			
86-06	Mobile Bay	do	Mar. 22, 1986.
86-07	Upper Mobile Bay	do	Apr. 5, 1986.
86-08	Mobile River, Mile 2.9	do	Apr. 5, 1986.
86-09	do	do	Apr. 7, 1986.
86-10	Pascagoula, MS	do	Apr. 19, 1986.
86-12	Theodore ship channel	do	Apr. 25, 1986.

Docket No.	Location	Type	Effective date
86-13	Panama City, FL	Security zone	June 1, 1986.
COTP Galveston, TX:			
86-01	Galveston, TX	do	Apr. 19, 1986.
8-86-01	Lake Pontchartrain, LA	Special local regulation	June 7, 1986.
9-86-02	Maumee River	do	May 5, 1986.
9-86-03	do	do	May 24, 1986.
9-86-06	Detroit River	do	June 24, 1986.
COTP San Diego, CA:			
86-05	Camp Pendleton, CA	Safety zone	Apr. 18, 1986.
86-06	San Diego, CA	do	May 25, 1986.
86-07	do	do	May 28, 1986.
86-08	do	do	June 6, 1986.
COTP LA/LB, CA:			
86-15	Long Beach, CA	do	May 27, 1986.
86-17	do	do	Do.
86-18	do	do	June 3, 1986.
11-86-08	Mission Bay, CA	Special local regulation	Apr. 4, 1986.
11-86-09	Bullhead City, CA	do	May 10, 1986.
11-86-11	Laughlin, NV	do	June 14, 1986.
COTP San Francisco, CA:			
86-04	San Francisco Bay, CA	Security zone	June 28, 1986.
13-86-05	Seattle, WA	Special local regulation	May 2, 1986.
13-86-06	do	do	May 3, 1986.
13-86-07	do	do	May 17, 1986.
13-86-11	North Bend, OR	do	June 28, 1986.

¹ Effective date not available.

Dated: June 16, 1986.

B.P. Novak,

Acting Executive Secretary, Marine Safety Council.

[FR Doc. 86-16317 Filed 7-18-86; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 13

Commissions for Federally Appointed Fiduciaries

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: The new regulation will place into effect section 207 of Pub. L. 98-223, Veterans Compensation and Improvement Amendments of 1984, which relates to commissions for Federally appointed fiduciaries. The regulation will give the Veterans Services Officer the authority to determine, within the regulatory guidelines, which Federally appointed fiduciary will be allowed to take a commission and the amount of the commission not to exceed 4 percent of VA benefits paid in any one year on behalf of an incompetent beneficiary.

EFFECTIVE DATE: This regulation is effective August 20, 1986.

FOR FURTHER INFORMATION CONTACT: William B. Saliski, Program Analyst, Fiduciary and Field Examination Staff, Veterans Assistance Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 389-3644.

SUPPLEMENTARY INFORMATION: On pages 4774-4775 of the Federal Register of February 7, 1986, the VA published a

proposed new rule, 38 CFR 13.64. Interested persons were given until March 24, 1986, to submit comments, suggestions or objections to the proposed new rule. No comments, suggestions or objections were received. Accordingly, the proposed new rule is adopted.

This regulation simply interprets and implements Pub. L. 98-223. The Administrator certifies that this new regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA (Regulatory Flexibility Act), 5 U.S.C. 601-612. The reason for this certification is that, consistent with the clear intent of Pub. L. 98-223, only a relatively small number of VA cases are expected to fall under the provisions of the regulation. Thereafter, pursuant to 5 U.S.C. 605(b), this new regulation is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that this proposed new regulation is nonmajor for the following reasons: (1) It will not have an effect on the economy of \$100 million or more; (2) It will not cause a major increase in costs or prices; (3) It will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 13

Administrative practice and procedure, estates, fraud, handicapped, infants and children, investigations,

investments, surety bonds, trusts and trustees, veterans.

There is no affected Catalog of Federal Domestic Assistance Program number.

This regulation contains no information collection requirements.

Approved: June 2, 1986.

Thomas K. Turnage,

Administrator.

PART 13—[AMENDED]

38 CFR Part 13, Department of Veterans Benefits Fiduciary Activities, is amended to read as follows:

1. Section 13.64 is added to read as follows:

§ 13.64 Fiduciary commissions.

Generally, a VA appointed fiduciary is to be encouraged to serve without fee.

(a) *Authority.* The Veterans Services Officer is authorized to determine when a commission is necessary in order to obtain the services of a fiduciary, except that the Veterans Services Officer may not authorize a commission to a fiduciary who receives any other form of remuneration or payment in connection with rendering fiduciary services on behalf of the beneficiary. Necessity is established only if the beneficiary's best interest would be served by the appointment of a qualified professional, or, if a qualified professional is not available, the proposed fiduciary is the only qualified person available and is not willing to serve without a fee.

(b) *Amount; notice to beneficiary.* The Veterans Services Officer shall authorize a fiduciary to whom a commission is payable under paragraph (a) of this section to deduct from the beneficiary's estate a reasonable commission for fiduciary services

rendered. The commission for any year may not exceed 4 percent of the monetary benefits paid by the VA on behalf of the beneficiary to the fiduciary during that year; a year being the normal 12 month period following the anniversary date of appointment. The Veterans Services Officer shall furnish appropriate notice to the beneficiary, either directly or through the fiduciary, that a commission is payable.

(c) *Persons who may be excluded.* Commissions may not be authorized to dependents of the beneficiary or other close relatives acting in a fiduciary capacity on behalf of the beneficiary, except under extraordinary circumstances.

[38 U.S.C. 3202; Pub. L. 98-223]

§ 13.70 [Amended]

2. In § 13.70, paragraphs (a)(1), (a)(2), and (c) are amended by removing the words "wife, husband" and inserting in their place, the word "spouse."

3. In § 13.71, paragraph (b) is revised to read as follows:

§ 13.71 Payment of cost of veteran's maintenance in institution.

(b) *By care and maintenance award.* When payment of compensation, pension or emergency officers' retirement pay in behalf of a veteran rated incompetent by the VA, who has no spouse or child and is being furnished hospital treatment, institutional or domiciliary care by a political subdivision of the United States, has been stopped because his or her estate has reached \$1,500, the Veterans Services Officer may certify to the Adjudication Division the amount to be released to the responsible official to pay for the cost of the veteran's current care and maintenance. The amounts paid in such cases shall not exceed the amount of the benefit otherwise payable less any amounts apportioned to dependent parents and in no event exceed the amount which the Veterans Services Officer shall determine to be the proper charge as fixed by statute or administrative regulation. (See §§ 13.74(b) and 13.108(b).) (38 U.S.C. 210).

[FR Doc. 86-16286 Filed 7-18-86; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21

Veterans Education; Assuring Compliance With Civil Rights Laws

ACTION: Final Regulations.

SUMMARY: These regulations set forth the responsibilities the State approving agencies have regarding implementation of the nation's equal opportunity laws. State approving agencies have been carrying out their responsibilities in regard to Title VI, Civil Rights Act of 1964 under contract with the VA (Veterans Administration). The VA intends to modify the contract to cover the other equal opportunity laws. These regulations will better inform the public of State approving agency actions with regard to civil rights.

EFFECTIVE DATE: June 26, 1986.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 389-2092.

SUPPLEMENTARY INFORMATION: On pages 50641 and 50642 of the Federal Register of December 11, 1985, there appeared a notice of intent to amend Part 21 to set forth the responsibilities the State approving agencies have regarding implementation of the nation's equal opportunity laws. Interested people were given 30 days to submit comments, suggestions or objections. The VA received no comments, suggestions or objections. Accordingly, the agency is making the proposal final.

The VA has determined that these regulations do not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The annual effect on the economy will be less than \$100 million. The regulations will not result in any major increases in costs or prices for anyone. They will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs hereby certifies that these regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), a 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these proposed regulations, therefore, are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

This certification can be made because these regulations primarily affect State approving agencies. States do not come within the RFA definition of small entities (5 U.S.C. 601(5)).

Although some schools are small entities, and all schools must comply with equal opportunity laws in order to receive Federal funds, this compliance is based upon statutes, not these regulations. The additional requirement that a school give written assurance of this compliance to obtain approval is an infrequent, simple administrative task which is not in itself economically significant.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.117.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: June 26, 1986.

Thomas K. Turnage,
Administrator.

PART 21—[AMENDED]

38 CFR part 21, VOCATIONAL REHABILITATION AND EDUCATION, is amended to read as follows:

1. In § 21.4258, paragraph (d) is added to read as follows:

§ 21.4258 Notice of approval.

(d) *Compliance with equal opportunity laws.*

(1) The State approving agency shall solicit assurance of compliance with:

- (i) Title VI, Civil Rights Act of 1964,
- (ii) Title IX, Education Amendments of 1972, as amended,
- (iii) Section 504, Rehabilitation Act of 1973,
- (iv) The Age Discrimination Act of 1975, and
- (v) All Veterans Administration regulations adopted to carry out these laws.

(2) The State approving agency shall solicit this assurance from:

- (i) Proprietary vocational, trade, technical, or other institutions and such schools not a part of a public elementary or secondary school.
- (ii) All other educational institutions which the Department of Education has not determined to be in compliance with the equal opportunity laws listed in paragraph (d)(1) of this section.

(3) Whenever a State approving agency forwards to the VA a Notice of Approval for a course offered by an institution described in paragraph (d)(2) of this section, it shall also forward the institution's signed statement of compliance with these equal opportunity

laws. (42 U.S.C. 2000 et seq., 20 U.S.C. 1681 et seq., 29 U.S.C. 794, 42 U.S.C. 6101 et seq.)

§ 21.4303 [Removed]

2. Part 21 is amended by removing § 21.4303.

[FR Doc. 86-16287 Filed 7-18-86; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 60477-6077]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of reopening of fishery.

SUMMARY: The Secretary of Commerce (Secretary) announces the reopening of the commercial salmon fishery for all species in the fishery conservation zone (FCZ) from Cape Blanco, Oregon, to Point Delgada, California. The fishery was closed on July 5, 1986, when it was projected that the harvest quota for chinook salmon had been reached. Subsequent evaluation of landings indicated that the actual catch had been overestimated, and about 25,000 chinook remain to be harvested in the troll quota. This reopening is calculated to maximize ocean harvest of chinook salmon without exceeding the estimated quota.

EFFECTIVE DATE: Reopening of the FCZ from Cape Blanco, Oregon to Point Delgada, California, to commercial salmon fishing is effective at 0001 hours Pacific Daylight Time (PDT) July 17, 1986. Comments on this notice will be received until August 1, 1986.

ADDRESS: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, NMFS, BIN C15700, 7600 Sand Point Way N.E., Seattle, WA 98115-0070; or E. Charles Fullerton, Director, Southwest Region, NMFS, 300 Ferry Street, Terminal Island, CA 90731. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten at 206-526-6150; or E. Charles Fullerton at 213-514-6196.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(2) that "If a fishery is closed

under a quota before the end of a scheduled season based on an overestimate of actual catch, the Secretary will reopen that fishery in as timely a manner as possible for all or part of the remaining original season provided the Secretary finds that a reopening of the fishery is consistent with the management objectives for the affected species and the additional open period is no less than 24 hours. The season will be reopened by publication of a notice in the Federal Register under § 661.23."

The commercial fishery from Cape Blanco, Oregon, to Point Delgada, California, was closed on July 5, 1986 (51 FR 24842; July 9, 1986) when it was projected that the harvest quota of 67,000 chinook salmon has been caught. (This quota had been adjusted based on the overharvest of chinook salmon in the earlier commercial fishery from Sisters Rocks, Oregon, to Chetco Point, Oregon [51 FR 24352; July 3, 1986]). A subsequent evaluation of landings indicates that the original projection was based on an overestimate of actual catch, with about 25,000 chinook remaining in the quota. The Secretary has determined that reopening the commercial fishery in the FCZ from Cape Blanco, Oregon, to Point Delgada, California, is consistent with the management objectives for chinook salmon in this area and, therefore, issues this notice reopening the season at 0001 hours PDT July 17, 1986.

The Regional Director consulted with the Directors of the Oregon Department of Fish and Wildlife (ODFW) and the California Department of Fish and Game (CDFG) regarding this reopening. The Directors of ODFW and CDFG confirmed that Oregon and California will reopen the commercial fishery in State waters adjacent to this area of the FCZ at 0001 hours PDT July 17, 1986.

On July 16, 1986, the Salmon Plan Development Team of the Pacific Fishery Management Council will determine the number of chinook salmon needed to complete the recreational fishery from Cape Blanco, Oregon, to Point Delgada, California. Any remaining allowable catch will be added to the harvest quota for the commercial fishery in this area on or about July 18, 1986.

Other Matters

This action is taken under 50 CFR 661.21 and 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

Dated: July 16, 1986.

Joseph W. Angelovic,
Deputy Assistant Administrator for Science
and Technology National Marine Fisheries
Service.

[FR Doc. 86-16331 Filed 7-16-86; 4:46 pm]

BILLING CODE 3510-22-M

50 CFR Part 674

[Docket No. 50694-5094]

High Seas Salmon Fishery Off Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

SUMMARY: The Secretary of Commerce (Secretary) closes the commercial salmon fishing season in the fishery conservation zone (FCZ) off Southeast Alaska for chinook salmon and prohibits commercial fishing for all salmon in a small area of the FCZ. This action is necessary to conserve the chinook salmon stocks that contribute to the Alaska, British Columbia, Washington, Oregon, and Idaho salmon fisheries. The intent of this action is to ensure that the harvest of chinook salmon does not exceed the limit imposed by the Pacific Salmon Commission. This action complements similar actions on the commercial troll fishery in waters managed by the State of Alaska.

DATE: This notice is effective at 0001 hours Alaska Daylight Time (ADT) July 16, 1986, and will expire at 2400 hours ADT September 20, 1986. Public comments are invited until August 15, 1986.

ADDRESSES: Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. During the 30-day public comment period, the data upon which this notice is based will be available for public inspection during the hours of 0800 to 1630 (ADT) Monday through Friday at the NMFS Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Aven M. Anderson (Fishery Management Biologist, NMFS), 907-586-7229.

SUPPLEMENTARY INFORMATION: This notice implements a provision of the regulations implementing the Pacific Salmon Treaty and the Fishery Management Plan for the High Seas Salmon Fishery (FMP). The FMP was developed and amended by the North Pacific Fishery Management Council. The regulations (50 CFR Part 674) govern

the salmon fisheries in the FCZ off the coast of Alaska east of 175° east longitude. They were issued under section 7(a) of Pub. L. 99-5, the Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631 *et seq.*), and section 305 of the Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*).

Chapter 3 of Annex IV of the Pacific Salmon Treaty limited the 1986 harvest by all fisheries in southeast Alaska to 263,000 chinook salmon, exclusive of salmon from Alaska's new enhancement activities. In March 1986, the Pacific Salmon Commission reduced that number to 254,000.

Section 674.23 of the regulations provides that the Secretary may modify the fishing periods and areas by publishing a notice in the *Federal Register*. Any such modification must be based on a determination by the Director of the Alaska Region of NMFS (Regional Director) that (a) the condition of any salmon species is "substantially different from the condition anticipated in the FMP" and (b) this difference requires a modification of the fishing times and areas to adequately conserve any salmon species. The regulations specify the factors the Regional Director may consider. The regulations also specify the the Secretary must consult with the Alaska Department of Fish and Game (ADF&G) before he makes his modifications.

In view of these requirements, the Regional Director (acting on behalf of the Secretary) has consulted with ADF&G. Also, he has reviewed the information on the 1986 salmon fishery to date, has determined that the chinook stocks in 1986 are substantially depressed from the condition anticipated in the FMP, and has determined that this difference in stock condition requires that the commercial troll salmon fishery in the FCZ be stopped from harvesting chinook salmon as of 0001 hours on July 16, 1986. Finally, he has determined to keep the incidental hooking and release of chinook to as low a level as practicable during the fishery for other salmon by closing one small area of the FCZ to all commercial salmon fishing.

Counts, estimates, and forecasts of harvested chinook salmon by ADF&G show that the commercial salmon troll fishery will have harvested 188,000 chinook salmon through July 14, 1986; that number includes 23,000 taken in the winter troll fishery (October 1, 1985 to April 15, 1986). In addition, the commercial net fisheries in Southeast Alaska are expected to harvest about 20,000 chinook and the sport fisheries about 22,000. Combined, these predictions total 248,000 chinook, or 6,000 less than the limit of 254,000 imposed by the Pacific Salmon Treaty. Past experience has shown that inseason reports are normally lower than the end-of-the-season reports and, thus, can lead to an underestimate of the actual harvest and catch per unit of effort. After the actual harvests have been tabulated, if the total falls short of the limit, the NMFS and the State of Alaska will allow and additional troll harvest of chinook salmon before the troll season closes on September 20, 1986, provided that the difference between the harvest and the limit is large enough for an orderly fishery.

Because a substantial number of chinook salmon will be caught and released when fishermen harvest the other species of salmon and because a high proportion of the released chinook will die, the Regional Director and ADF&G decided to close certain areas known to have high concentrations of chinook salmon to all commercial salmon fishing. This decision supports a provision of the chinook annex of the Pacific Salmon Treaty (annex IV, chapter 3, paragraph 1(e)) that both nations ensure that they minimize all sources of induced fishing mortality of chinook in 1986.

The entire area of the FCZ is closed to the commercial fishing for chinook salmon. In addition, the area known as the Outer Fairweather Grounds is closed to commercial fishing for all salmon species. This area is roughly rectangular and is defined by lines connecting the following points:

58° 46.7' N. lat., 138° 54.5' W. long;
58° 15.9' N. lat., 137° 21.5' W. long;
57° 50.0' N. lat., 138° 19.5' W. long;
58° 24.5' N. lat., 139° 48.8' W. long.; and
58° 46.7' N. lat., 138° 54.5' W. long.

At the request of the fishermen, we are including Loran C lines as an aid. The closed area is approximately bounded on the northwest by Loran C line 7960-Y-29800, on the southwest (seaward side) by Loran C line 7960-X-14400, on the southeast by Loran C line 7960-X-29150, and on the northeast (landward side) by Loran C line 7960-X-14660, as shown on NOAA chart #16016.

The closure will become effective after this notice has been filed for public inspection with the Office of the Federal Register and the closure has been publicized for 48 hours through procedures of the ADF&G as prescribed under § 674.23(b)(2).

Section 674.23(b)(3) requires the Secretary to accept and consider public comments for 30 days after the effective date of notices like this one, which did not provide an opportunity for the public to comment before it became effective. The aggregated data upon which this closure was based are available for public inspection at the address given above. If comments are received, the Secretary will reconsider the necessity of this action and will publish another notice in the *Federal Register* either confirming the notice's continued effect, modifying it, or rescinding it, unless the notice has already expired or been rescinded.

Classification

This action is exempt from sections 4 through 8 of the Administrative Procedure Act, the Regulatory Flexibility Act, and Executive Order 12291 because, as is expressly provided in section 7(a) of Pub. L. 99-5, it involves a foreign affairs function. It contains no requirement for collecting information for purposes of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 674

Fisheries, Fishing, Reporting and recordkeeping requirements.

(16 U.S.C. 3631 *et seq.*; 16 U.S.C. 1801 *et seq.*)

Dated: July 16, 1986.

Joseph W. Angelovic,

Deputy Assistant Administrator For Science and Technology, National Marine Fishing Service.

[FR Doc. 86-16336 Filed 7-16-86; 5:08 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 51, No. 139

Monday, July 21, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

Fees for Federal Rice Inspection Services

AGENCY: Federal Grain Inspection Service, USDA.¹

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) proposes to increase fees for Federal rice inspection services performed under the Agricultural Marketing Act of 1946 (AMA) by 7 to 18 percent. This proposed change is intended to cover, as nearly as practicable, projected operating costs, including related supervisory and administrative costs, for rice inspection services rendered; and to generate sufficient revenues to cover costs and maintain an appropriate operating reserve. In addition, FGIS proposes to establish a fee to cover the cost of performing milling yield in rough rice and brown rice for processing when requested as one single factor and for the total oil and free fatty acid analysis for brown rice for processing and milled rice.

DATE: Comments must be submitted on or before August 20, 1986.

ADDRESSES: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Staff, USDA, FGIS, Room 1661, South Building, 1400 Independence Avenue, SW., Washington DC 20250; telephone (202) 382-1738. All written comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)).

¹ The authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address and telephone number as above.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as nonmajor because it does not meet the criteria for major regulation established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the rice inspection services do not meet the requirements for small entities. In addition, FGIS is required by statute to recover the costs of providing rice inspection services, as nearly as practicable.

Proposed Action

Section 203(h) of the Agricultural Marketing Act of 1946 (AMA) (7 U.S.C. 1622(h)) provides for the collection of fees that are reasonable, and as nearly as practicable, to cover the cost of the services rendered.

The rice inspection fees were last increased and made effective on August 1, 1984, (49 FR 26547) to cover, as nearly as practicable, the level of operating costs as projected for fiscal year 1984. These fees presently appear in § 68.42(b) of the regulations (7 CFR 68.42(b)).

FGIS continually monitors its cost, revenue, and operating reserve levels to assure that there are sufficient resources for the Service's operations. During fiscal year 1985, FGIS continued to reduce staffing levels, to identify and to implement furlough leave situations, and other cost-saving measures in an effort to provide cost-effective quality services. As a result, fiscal year 1985 revenues (\$3,188,995) covered operating costs (\$3,100,492).

Fiscal year 1984 rice inspection volume was approximately 30.3 million metric tons. Fiscal year 1985 FGIS inspection volume was approximately 29.9 million metric tons. Based on the actual rice inspection volume for the first 4-months, fiscal year 1986 FGIS

inspection volume is projected to decline to approximately 26.9 million metric tons. This trend reflects a decrease in requests for FGIS rice inspection services and is expected to continue into fiscal year 1987. While rice inspection requests may fluctuate, certain FGIS costs remain constant in order to provide quality inspection service on request. FGIS operating costs include personnel compensation, personnel benefits, travel, rent communication, utilities, contractual services, supplied, and equipment.

The period April 1, 1985, through March 31, 1986, the most current one-year figures available to compare the Service's rice inspection operating costs with revenue, was used to project the budgeted fiscal year 1987 rice inspection operating costs and establish revenue levels necessary to cover projected operating costs. The actual operating cost during this period for rice inspection services totals \$3,130,000. Revenues collected to offset those costs total \$3,185,000, resulting in a positive margin of \$55,000. However, during the first 6-month period of fiscal year 1986, the Service's revenue was \$64,000 less than cost. This trend which is expected to continue would require an increase in fees to recover projected operating costs and maintain a 3-month operating reserve. Under the proposed fee increase, revenue for fiscal year 1987 is projected to be \$3,310,000. The Service's projected fiscal year 1987 operating costs are \$3,130,000. This would provide a projected positive margin of \$180,000 in fiscal year 1987 which would maintain the Service's operating reserves at a 3-month level.

The fee increase is approximately 7 percent on contract hourly rates and 18 percent on noncontract hourly rates. The hourly rates include sampling, grading, weighing, and other services requested by the applicant when performed at the point of service.

FGIS is proposing to establish a fee of \$18.00 to cover the cost of performing the milling yield in rough rice and brown rice for processing when requested as a single factor. A fee of \$28.00 is proposed for performing total oil and free fatty acid analysis for brown rice and milled rice, in response to the industry's needs.

In addition, a new footnote 3 is being added to § 68.42(b) to cover those other services not specified in Table 2. The fees for these services would be based

on the noncontract hourly rate listed in Table 1.

List of Subjects in 7 CFR Part 68

Administrative practice and procedure, Agricultural commodities, Rice, Export.

Accordingly, it is proposed that 7 CFR Part 68 be amended as follows:

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

1. The authority citation for Part 68 continues to read as follows:

Authority: Secs. 202–208, 60 Stat. 1087, as amended (7 U.S.C. 1621 *et seq.*)

2. § 68.42 b is revised as follows:

§ 68.42 b Fees for certain Federal rice inspection services.

The fees shown in tables 1 and 2 apply to Federal rice inspection services.

Fees for Federal Rice Inspection Services

TABLE 1.—HOURLY RATES

Service ¹	Regular work-day (Monday–Saturday)	Non-regular work-day (Sunday and holiday)
Contract (per hour per Service representative)	\$30.40	\$42.40
Noncontract (per hour per Service representative)	40.60	56.60

¹ The hourly rate includes sampling, grading, weighing and other services requested by the applicant when performed at the point of service.

TABLE 2.—UNIT RATES

Service ^{1,2}	Rough rice	Brown rice for processing	Milled rice
Inspection for quality (per lot, sublot, or sample inspection)	\$27.00	\$23.60	\$17.00
Factor analysis for any single factor (per factor):			
(a) Milling yield, per sample	18.00	18.00	
(b) All other factors, per factor	10.15	10.15	10.15
Total oil and free fatty acid		28.00	28.00
Interpretive lines samples: ²			
(a) Milling degree (per set)			70.00
(b) Parboiled light (per sample)			17.60
Extra copies of certificates (per copy)	3.00	3.00	3.00

¹ Fees apply to determinations (original or appeals) for kind, class, grade, factor analysis, equal to type, milling yield, or any other quality designation as defined in the U.S. Standards for Rice or applicable instructions, whether performed singly or combined at other than the point of service.

² Interpretive line samples may be purchased from the U.S. Department of Agriculture, Federal Grain Inspection Service, Field Management Division, Board of Appeals and Review, Richards-Gebaur AFB, Building #221, Grandview, MO 64030.

Interpretive line samples also are available for examination at selected FGIS field offices. A list of field offices may be obtained from the Deputy Director, Field Management Division, USDA, FGIS, Washington, DC 20250. The interpretive line samples illustrate the lower limit for milling degrees only and the color limit for the factor "Parboiled Light" rice.

³ Fees for other services not referenced in Table 2 will be based on the noncontract hourly rate listed in Table 1.

Dated: June 16, 1986.

K.A. Gilles,

Administrator, FGIS.

[FR Doc. 86–16325 Filed 7–18–86; 8:45 am]

BILLING CODE 3410-EN-M

7 CFR Part 800

Fees for Official Inspection, Official Weighing, and Supervision of Official Services

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS or Service) proposes to increase its fees by 17 to 42 percent for official inspection and weighing services performed under the United States Grain Standards Act (USGSA), as amended. This proposed change is intended to cover, as nearly as practicable, the FGIS operating costs, including related supervisory and administrative costs. In addition, FGIS proposes to establish a fee to cover the cost incurred for the supervision of official Class Y ship weighing services performed by agencies for shipments to domestic markets only.

DATE: Comments must be submitted on or before August 20, 1986.

ADDRESSES: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Management Staff, RM, USDA, FGIS, Room 1661 South Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 382-1738. All comments received will be made available for public inspection at the above office during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., address and telephone number as above.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule has been issued in conformance with Executive Order 12291 and Departmental Regulation 1512-1. This action has been classified as nonmajor because it does not meet the criteria for major regulation established in the Order.

Regulatory Flexibility Act Certification

Dr. Kenneth A. Gilles, Administrator, FGIS, has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because most users of the official inspection and weighing services and

those entities that perform those services do not meet the requirements for small entities. FGIS is required by statute to make services available and to recover the estimated costs of providing such services, as nearly as practicable.

Proposed Action

The United States Grain Standards Act (USGSA), as amended (7 U.S.C. 71 *et seq.*), requires that FGIS charge and collect reasonable fees that cover the estimated cost to the Service for performing official inspection, weighing, reinspection, and appeal inspection services. The fees are to cover, as nearly as practicable and taking into consideration any proceeds from the sale of samples, the costs to the Service for performance of these official services, including related administrative and supervisory costs. These fees appear in § 800.71 of the regulations (7 CFR 800.71). The USGSA fees were last revised and made effective on August 1, 1984 (49 FR 26560) to cover as nearly as practicable, the projected fiscal year 1984 operating costs.

In fiscal year 1985, FGIS revenues for original inspection, Class X and Class Y weighing, reinspection, and appeal inspection services performed in the United States and Canada totaled \$19,024,294 operating costs totaled \$21,205,601, resulting in a combined loss of \$2,181,307, which seriously depleted the applicable 3-month operating reserves. This loss would have been greater if FGIS had not monitored its cost, revenue, and operating reserve levels. FGIS continually monitors its cost, revenue, and operating reserve levels to assure that there are sufficient resources for the Service's operations. During fiscal year 1985, FGIS continued to reduce staffing levels, furlough employees and take other cost-saving measures in an effort to provide cost-effective services without endangering its ability to respond to the grain industry's need for quality service.

FGIS operating costs includes personnel compensation, personnel benefits, travel, rent, communications, utilities, contractual services, supplies, and equipment. While exports and the demand for the services FGIS provides may fluctuate, certain FGIS costs remain constant in order to provide quality service on demand. The fiscal year 1985 total grain exports from the United States (101.1 million metric tons) decreased by approximately 14 percent from the fiscal year 1984 volume (115.2 million metric tons). Fiscal year 1986 exports have continued to decrease

substantially below fiscal year 1985 volume. FGIS anticipates that this trend will continue through the remainder of fiscal year 1986, resulting in a continued decrease in demand for FGIS services.

The period March 1, 1985, through February 28, 1986, the most current actual 1-year figures available to compare the Service's operating costs with revenue, was used to project budgeted fiscal year 1987 operating costs and thereby establish revenue levels necessary to cover projected operating costs. The actual operating costs during this period totaled \$20,144,000. Revenue collected to offset this cost totaled \$17,052,000, resulting in a loss of \$3,092,000. Had the higher fees, as proposed been in place, revenue would have been an estimated \$21,078,000. This would have provided for an estimated positive margin of \$934,000. The Service's projected fiscal year 1987 operating costs are expected to remain at or near the present level of \$20,144,000. The proposed fee increases will cover operating costs in addition to gradually replenishing applicable operating reserves to 3-month levels.

The Fee increase is approximately 17 percent on original inspection and official weighing, contract basis, and 27 percent of noncontract; 30 percent on reinspection, appeal inspection, board appeal inspection and review of weighing; and 31 percent and 42 percent for contract and noncontract, respectively, on inspection services performed in Canada.

In addition, the Act requires that delegated States and designated official agencies pay fair and reasonable fees to cover the estimated cost to FGIS to supervise those agencies. The fees for FGIS supervision of official inspection and weighing services performed by delegated states and designated official agencies were last revised and made effective on October 1, 1985, (50 FR 38503) to permit a 40 percent reduction of previously established fees and to establish fees to recover supervision cost incurred for those agencies performing supervision of official Class Y weighing services. The FGIS supervision of inspection and weighing programs continue to operate as projected at losses to reduce the applicable operating reserves to 3-month levels. Therefore, no change to these fees are proposed at this time.

However, the final rule made effective on October 1, 1985, which, in part, established fees for supervision of official Class Y weighing services did not include a fee for supervision of official Class Y ship weighing services. At that time, FGIS did not have sufficient information available to

determine if there would be a sufficient number of applicant requests for Class Y weighing of grains loaded on ships destined for domestic markets to provide for such a service. The information now available to FGIS indicates a need to establish a fee to recover cost for supervision of official Class Y ship weighing services for grains loaded on ships destined for domestic markets. Therefore, FGIS is proposing that the supervision of official Class Y ship weighing services be assessed at \$12.30 per ship, and a conforming footnote 7 added, as appropriate.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Export, Grain.

Accordingly, it is proposed that 7 CFR Part 800 of the regulations be revised as follows:

PART 800—GENERAL REGULATIONS FEES

1. The authority citation for Part 800 continues to read as follows:

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

2. In § 800.71(a), Schedule A, Schedule B, Table 2 in Schedule C and the footnotes at the end of Table are revised to read as follows:

§ 800.71 Fees assessed by the Service.

(a) * * *

SCHEDULE A—FEES FOR OFFICIAL INSPECTION, WEIGHING, AND APPEAL INSPECTION SERVICES, PERFORMED IN THE UNITED STATES¹

Inspection and weighing service (bulk or sacked grain)	Regular workday (Monday to Saturday)	Nonregular workday (Sunday and Holiday)
(1) Original inspection and official weighing:		
(i) Contract (per hour per service representative).....	\$29.20	\$39.60
(ii) Noncontract (per hour per service representative).....	38.80	52.80
(2) Reinspection, appeal inspection, Board appeal inspection, and review of weighing services: ^{2,3}		
(i) Grading service:		
(A) Grade and factors (per sample).....	56.60	73.60
(B) Protein test (per sample).....	14.15	18.40
(C) Factor determination (per factor).....	28.30	36.80
(ii) Sampling services (per hour per service representative).....	56.60	73.60
(iii) Review of weighing service (per hour per service representative).....	56.60	73.60
(3) Extra copies of certificates (per copy).....	3.00	3.00

¹ Official inspection and weighing services include, but are not limited to grading, weighing, sampling, stowage examination, equipment testing, scale testing and certification, test weight verification, evaluation of inspection and weighing equipment, demonstrating official inspection and weighing functions, furnishing standard illustrations, and certifying inspection and weighing results.

² Fees for reinspection and appeal inspection services performed at locations where FGIS is providing original inspection service shall be assessed at the applicable contract or noncontract hourly rate as the original inspection. However, if additional personnel are required to perform the reinspection or appeal inspection service, the applicant will be assessed the noncontract original inspection hourly fee.

³ If at the request of the Service a file sample is located and forwarded by an agency for an official appeal, the agency may, upon request, be reimbursed at the rate of \$2.50 per sample by the Service.

SCHEDULE B—FEES FOR OFFICIAL INSPECTION, WEIGHING, AND APPEAL INSPECTION SERVICES PERFORMED IN CANADA¹

Inspection and weighing service (bulk or sacked grain)	Regular workday (Monday to Saturday)	Nonregular workday (Sunday and Holiday)
(1) Original inspection and official weighing services: ^{2,3}		
(i) Contract services (per hour per service representative).....	\$47.80	\$58.40
(ii) Noncontract service (per hour per service representative).....	63.80	76.60
(2) Extra copies of certificates (per copy).....	3.00	3.00

¹ Official inspection and weighing services include, but are not limited to grading, weighing, sampling, stowage examination, equipment testing, scale testing and certification, test weight verification, evaluation of inspection and weighing equipment, demonstrating official inspection and weighing functions, furnishing standard illustrations, and certifying inspection and weighing results.

² Fees for reinspection and appeal inspection services shall be assessed at the applicable contract or noncontract hourly rate as the original inspection. However, if additional personnel are required to perform the reinspection or appeal inspection service, the applicant will be assessed the noncontract original inspection hourly fee.

³ Board appeal inspections are based on file samples. See § 800.71, Schedule A for Board Appeal fees.

SCHEDULE C—FEES FOR FGIS SUPERVISION OF OFFICIAL INSPECTION AND WEIGHING SERVICES PERFORMED BY DELEGATED STATES AND/OR DESIGNATED OFFICIAL AGENCIES IN THE UNITED STATES¹

* * * * *

TABLE 2

Official services (bulk or sacked grain)	Official weighing services	
	(Class X)	(Class Y)
Official weighing services:		
(i) Truck or trailer (per carrier).....	\$0.30	\$0.20
(ii) Boxcar or hopper car (per carrier).....	0.95	0.25
(iii) Barge (per carrier).....	6.15	1.55
(iv) Ship (per carrier) ^{2,3}	49.20	12.30
(v) All other lots (per or part lot) ⁴	0.30	0.20

¹ The fees include the cost of supervision functions performed by the Service for official inspection and weighing services performed by delegated States and/or designated agencies.

² A fee shall be assessed for each carrier or sample inspected if a combined lot certificate is issued or a uniform loading plan is used to determine grade.

³ A fee shall be assessed per ship regardless of the number of lots or sublots loaded at a specific service point. A fee shall not be assessed for divided-lot certificates.

⁴ Inspection services for all other lots include, but are not limited to, sampling service, condition examinations, and examination of grain in bins and containers. For weighing services, all other lots include, but are not limited to, seavans and inhouse bin transfers.

⁵ Fees shall be assessed for a maximum of two factors. If more than two factors are determined, fees are assessed at rates in Table 1 (1)(i) or (3)(ii) above, as applicable, based on carrier or type sample represented.

⁶ Official criteria includes, but is not limited to, protein and oil analyses. A fee shall be assessed for each sample tested.

⁷ A Class Y ship fee shall be assessed for shipments destined for domestic markets only.

* * * * *

Dated: June 24, 1986.
 Kenneth A. Gilles,
 Administrator, FGIS.
 [FR Doc. 86-16326 Filed 7-18-86; 8:45 am]
 BILLING CODE 3410-EN-M

Commodity Credit Corporation

7 CFR Part 1496

Procurement of Processed Agricultural Commodities for Donation Under Title II, Pub. L. 480

AGENCY: Commodity Credit Corporation.
ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulations applicable to the procurement by Commodity Credit Corporation (CCC) of processed agricultural commodities for donation under Title II of the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480), as amended, appearing at Part 1496 of Title 7 of the Code of Federal Regulations. The proposal would specifically provide that CCC will determine lowest landed cost on a U.S. flag basis for the quantity of Title II, Pub. L. 480 commodities required to be shipped on U.S. flag vessels. The purpose of this amendment is to provide a reasonable and practicable procedure for complying with cargo preference requirements at the least cost to the government.

DATES: Comments on this proposed rule must be received by August 20, 1986.

ADDRESSES: Interested persons are invited to submit written comments to: Director, Commodity Operations Division, ASCS/USDA, P.O. Box 2415, Washington, DC 20013.

All comments received will be available for public inspection during regular business hours at U.S. Department of Agriculture, Room 5758—South Building, 14th and Independence Avenue, SW., Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Merle Brown, Commodity Operations Division, ASCS-USDA. Telephone: (202) 447-4254 or 447-3995.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified "not major." It has been determined that this rule will not result in an annual effect on the economy of \$100 million or more; will not cause a major increase in costs to consumers, individual industries, Federal, State or

local government agencies or geographic regions; and will not have an adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The Department has prepared an Interim Regulatory Impact Analysis of this regulation. Copies of the analysis are available to the public from the Director, Commodity Operations Division, ASCS, Room 5758—South Building, 14th and Independence Avenue, SW., Washington 20013.

This action will not have a significant impact specifically upon area and community development. Therefore, review as established by Executive Order 12372 was not used to assure that units of local government are informed of this action.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Background

Pursuant to the authority contained in Title II of the Agricultural Trade Development and Assistance Act of 1954 (Pub. L. 480), 7 U.S.C. 1721, *et seq.*, Commodity Credit Corporation (CCC) makes agricultural commodities available for overseas donation for use to meet famine or other urgent or extraordinary relief requirements; to combat malnutrition, especially in children; to promote economic and community development in friendly developing area; and for needy persons and non-profit school lunch and preschool feeding programs outside the United States. In addition to donating the commodities, CCC is authorized to pay certain related costs including transportation charges to loading ports and ocean freight charges to foreign destinations. See 7 U.S.C. 1723.

CCC may make commodities available for overseas donation from its inventory or by procurement. Part 1496 of Title 7 of the Code of Federal Regulations sets forth the criteria that is considered by CCC in awarding contracts for the purchase of processed agricultural commodities for donation under Title II, Pub. L. 480. In awarding

contracts, 7 CFR 1496.5(a) provides that the general principle of lowest landed cost will prevail, but additional factors described therein will be considered. Lowest landed cost (LLC) reflects the lowest combined total cost of commodity and transportation charges to the foreign port of discharge. Thus, the LLC principle has the effect of determining the commodity supplier awarded the contract as well as the U.S. port of export of the commodity.

Shipments of Title II, Pub. L. 480 commodities are subject to the cargo preference requirements of the Merchant Marine Act, 1936. Amendments to the Merchant Marine Act, 1936, made by section 1142 of the Food Security Act of 1985, increased the minimum U.S. flag preference tonnage requirements from 50 percent to 60 percent for the 12-month period beginning April 1, 1986. This percentage requirement will increase further to 70 percent beginning April 1, 1987, and to 75 percent beginning April 1, 1988. The 1985 amendments also include a provision concerning the level of Title II, Pub. L. 480 commodities to be shipped by waterborne export through Great Lakes ports during 1986-89.

Under current procedures, commodity procurement for Title II, Pub. L. 480 are generally made on a LLC basis without regard to U.S. flag cargo preference requirements. In most cases, this results in commodities being procured and allocated to ports (or port ranges) on the basis of foreign flag vessel rates since these rates are often lower than U.S. flag rates. Foreign flag and U.S. flag vessels are then contracted to carry a portion of the cargoes allocated to these ports. Generally, cargo preference requirements are met by contracting with U.S. flag vessels calling at these load ports. This practice often results in higher expenditures for U.S. flag carriage than is necessary to comply with cargo preference since commodities allocated on a LLC basis may not have been allocated to ports serviced by U.S. flag vessels with the least costly U.S. flag rates. The requirement for increased cargo preference carriage will exacerbate the problem. Additional Title II, Pub. L. 480 expenditure for ocean transportation reduces funds available for procuring commodities needed to meet the humanitarian purposes of the program. This practice also has generated complaints from U.S. flag vessel operators which may have available service at lower rates at ports other than the port representing LLC, foreign flag basis.

The proposed rule reflects a reasonable and practicable method of

complying with cargo preference requirements in an efficient and less costly manner than current procedures.

Although we believe that the current regulations are broad enough to encompass the scope of this proposal, it is deemed desirable to publish a notice of proposed rulemaking thereby giving all interested parties an opportunity to comment so as to assure that the full impact of the procedure is considered.

Proposed Procedures

This proposed rule would amend 7 CFR Part 1496 to specifically state that CCC will determine LLC for a quantity of commodities that CCC determines is necessary and practicable to be shipped on U.S. flag vessels pursuant to cargo preference requirements. Commodity procurement awards will be made on LLC basis for carriage by U.S. flag vessels for the quantity of commodities to meet the cargo preference requirements with the balance of commodities procured on a LLC basis without regard to whether carriage would be on a U.S. or foreign flag vessel. This LLC evaluation procedure will apply to all of the processed commodities to be procured by CCC each month. The proposed rule would permit cargo preference requirements to be met utilizing the least costly U.S. flag rates.

An analysis of the purchase of processed agricultural commodities for Title II, Pub. L. 480 made in February 1986 (for lifting in April 1986) under the current procedure indicates that substantial savings to the government would be realized if this proposed regulation is adopted. It is estimated that, for the February procurement, the average additional freight costs to ship on U.S. flag vessels was \$44 per ton. If the procurement had been made under the proposed procedure, the average additional U.S. flag cost would have been only \$18 per ton. Since 60 percent of the total commodities purchased (150 million pounds) or 90 million pounds was intended for U.S. flag carriage, a savings of approximately \$750,000 could have been effected in the February procurement.

To the extent practicable, CCC will attempt to maintain the U.S. flag participation percentage requirement throughout the 12-month compliance period. However, the percentage of commodities procured on the basis of LLC, using U.S. flag vessel rates, may vary each month depending upon factors such as availability and adequacy of service, and reasonableness of rates.

Another factor that will be considered in determining the quantity of commodities to be procured on the basis

of LLC for U.S. flag vessels is the provision of section 901b(c)(2)(B) of the Merchant Marine Act, 1936, as added by the Food Security Act of 1985. This section provides:

In addition, the Secretary of Transportation, in administering this subsection and section 901(b), and consistent with these sections, shall take such steps as may be necessary and practicable without detriment to any port range to preserve during calendar years 1986, 1987, 1988, and 1989 the percentage share, or metric tonnage of bagged, processed, or fortified commodities, whichever is lower, experienced in calendar year 1984 as determined by the Secretary of Agriculture, of waterborne cargoes exported from Great Lakes ports pursuant to Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 *et seq.*).

CCC intends to take such steps as necessary and practicable to meet the requirements of the above quoted section. However, since few U.S. flag vessels call at Great Lakes ports and with the increased U.S. flag carriage requirements, CCC proposes to continually monitor the quantity of Title II, Pub. L. 480 commodities moving through Great Lakes ports and make appropriate adjustments in its LLC evaluation procedure. Such steps will be taken as are (i) necessary and practicable; (ii) consistent with sections 901(b) and 901b of the Merchant Marine Act, 1936; and (iii) without detriment to any port range.

The proposed rule also changes the definition of lowest landed cost to delete reference to the "F.A.S. price" in order to reflect intermodal shipments where commodities are delivered at the supplier's plant.

Finally, certain non-substantive changes are proposed in the regulations to reflect updated citations and Departmental organization.

List of Subjects in 7 CFR Part 1496

Agricultural commodities, Maritime carriers, exports.

PART 1496—[AMENDED]

Accordingly, it is proposed that Part 1496 of Title 7 of the Code of Federal Regulations be amended as follows:

1. The authority citation for Part 1496 reads as follows:

Authority: Secs. 201, 202 and 203, Pub. L. 480, 83rd Cong. as amended, 66 Stat. 455 (7 U.S.C. 1721, 1722, and 1723); secs. 901b, and 901c, Pub. L. 664, 83rd Cong. as amended, 99 Stat. 1491 (46 U.S.C. 1241f and 1241g).

§ 1496.1 [Amended]

2. Section 1496.1 is amended by removing the paragraph designation "(a)", and paragraphs (b) and (c).

3. The second and third sentences of paragraph (a), and all of paragraph (b) of § 1496.2 are revised to read as follows:

§ 1496.2 Administration.

(a) * * * The program will be administered through the Office of the Deputy Administrator, Commodity Operations, ASCS, Washington, DC and the Kansas City Commodity Office (KCCO), ASCS, Kansas City, Missouri. Procurement will be administered in accordance with the Federal Acquisition Regulations (48 CFR) as amended by USDA-1, Rev. 2, "General Terms and Conditions for the Procurement of Agricultural Commodities or Services", as amended or revised, and applicable purchase announcements and bid invitations.

(b) Purchases are made to fulfill commodity requests received in KCCO from AID.

* * * * *

4. Paragraphs (f) and (h) of § 1496.3 are removed. Paragraph (e) of § 1496.3 is revised, and paragraph (g) of § 1496.3 is redesignated paragraph (f) and revised to read as follows:

§ 1496.3 Definitions.

* * * * *

(e) "Commodity Office" means the Kansas City Commodity Office, within ASCS, which is responsible for assigned inventory management, acquisition, disposition and related program activities of CCC.

(f) "Lowest landed cost" means the lowest combined total cost of the commodity plus transportation charges to the port of discharge.

* * * * *

5. Paragraph (a) of § 1496.5 is revised and a new paragraph (f) is added to § 1496.5 both to read as follows:

§ 1496.5 Consideration of bids.

(a) *Lowest landed cost.* The general principle of awarding contracts that will result in the lowest landed cost will prevail. Lowest landed cost will be calculated on a U.S. flag basis or the quantity that CCC determines is necessary and practicable to meet cargo preference requirements and on an overall (foreign and U.S. flag) basis for the balance of the cargo to be procured. However, the following additional factors will be considered in awarding contracts.

* * * * *

(f) *Great Lakes ports.* CCC shall take such steps during calendar years 1986-89, as are necessary and practicable to preserve the percentage share or metric tonnage, whichever is lower, of Title II, Pub. L. 480 bagged, processed, or fortified commodities exported from Great Lakes ports during 1984, as determined by the Secretary of Agriculture, which are consistent with the cargo preference requirements of the Merchant Marine Act, 1936, as amended, and which are without detriment to other port ranges.

Signed at Washington, DC, on July 16, 1986.
Milton J. Hertz,
Acting Executive Vice President, Commodity
Credit Corporation.
[FR Doc. 86-16323 Filed 7-18-86; 8:45 am]
BILLING CODE 3410-05-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

[Docket No. 25003; Petition Notice PR-86-12]

Petition of Air Transport Association (ATA) and Aerospace Industries Association (AIA)

AGENCY: Federal Aviation Administration (FAA), DOT.
ACTION: Petition for rulemaking.

SUMMARY: This notice publishes for public comment the joint petition of ATA and AIA to amend §§ 25.853 and 121.312 of the FAR to require alternate test procedures and acceptance criteria for material used in the interiors of transport category airplane cabins.

Discussion

The ATA and the AIA jointly petitioned on February 26, 1986, to amend §§ 25.853 and 121.312 of the FAR to require alternate test procedures and acceptance criteria for materials used in the interiors of transport category airplane cabins. These alternate procedures and criteria would supplement any flammability standards that may be adopted based on Notice of Proposed Rulemaking (NPRM) 85-10 (50 FR 15038, April 16, 1985).

The purpose of this notice is to improve the public's awareness of this aspect of the FAA's regulatory activities. Publication of this notice is not intended to affect the legal status of the petition or its final disposition.

A final rule based on NPRM 85-10 has been prepared and is currently

undergoing executive review. Based on the petitioner's stated intention to propose an alternate test procedure, and the continuing controversy over this rule, the FAA will request further comments on both the test procedure and the performance criteria at the time the final rule is published. Comments submitted within 6 months after the publication of the rule in the *Federal Register* will be considered. Within the following 6 months, the FAA will publish a document summarizing our disposition of these comments. Because of the interrelationship between this petition and the rulemaking based on NPRM 85-10, any comments received in response to this petition will be considered in conjunction with any comments submitted in response to the request published with the rule. The agency's final decision on the petition will, of course, be consistent with any action taken with respect to that request.

A comment period longer than 60 days is considered necessary for consistency with the comment period on the pending final rule.

DATE: Comments must be received on or before November 19, 1986.

ADDRESS: Send comments on this petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), 800 Independence Avenue SW., Washington, DC 20591, or deliver in triplicate to Room 915G, 800 Independence Avenue SW., Washington, DC. Comments must be marked: Docket No. 25003. Comments may be inspected in Room 915G weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Regional Counsel (ANM-7), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. Comments in the information docket may be inspected in the Office of the Regional Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Gary L. Killion, Regulations Branch (ANM-112), Transport Standards Staff, Aircraft Certification Division, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168, telephone (206) 431-2912.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or

arguments on the petition as they may desire. Communications should identify the docket and petition notice number and be submitted in triplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the Rules Docket. Persons wishing the FAA to acknowledge receipt of the comments received in response to this notice should submit a self-addressed stamped postcard which states "Comment to Docket No. 25003." The postcard will be date/time stamped and returned to the commenter.

Normally, the FAA only summarizes petitions for rulemaking for publication in the *Federal Register*. In the case of the petition by ATA/AIA, however, the agency has elected to publish the petition verbatim because, if adopted, the petition may have a significant impact. Also published is the ATA/AIA cover letter and the "introduction and summary" section of the ATA/AIA alternate proposal to NPRM 85-10. This action precludes any loss of thought or meaning which might occur in a summarization of the petition.

Although this notice sets forth the contents of the petition as received by the FAA without changes, it should be understood that its publication to receive public comment is in accordance with FAA procedures governing petitions for rulemaking. It does not propose a regulatory rule for adoption, represent an FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and reach a conclusion on the merits of the proposal after it has had an opportunity to evaluate the petition carefully in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking action on the petition, appropriate rulemaking action, including an evaluation of the proposal, will be published.

The Petition: Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rulemaking of ATA/AIA dated February 27, 1986.

Issued in Washington, DC on July 15, 1986.

John H. Cassidy,

Assistant Chief Counsel, Regulations and Enforcement Division.

BILLING CODE 4910-13-M

-2-

AIR TRANSPORT ASSOCIATION
OF AMERICA
1709 New York Ave., NW
Washington, DC 20006
(202) 626-4000

AEROSPACE INDUSTRIES ASSOCIATION
OF AMERICA
1725 Desales Street, NW
Washington, DC 20036
(202) 429-4600

February 27, 1986

The Honorable Donald D. Engen
Administrator
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591

Dear Administrator Engen:

We appreciate your positive response to our letter of December 19, 1985, in which we advised you of our intent to submit an alternative proposal to NPRM 85-10, 10A by February 28, 1986. The proposal, Attachment I, is based on extensive industry and FAA test data. European airframe manufacturers (Airbus Industrie, Fokker, and British Aerospace) and IATA members also participated in its development. Letters from these participants endorsing this proposal are contained in Attachment II.

We support the NPRM's intent to enhance occupant survivability in post-crash fires by more extensive use of available state-of-the-art cabin interior materials the FAA has judged "desirable" in the FAA full-scale C-133 tests. However, as previously stated in our comments on Notice 85-10, industry laboratory test results show that the small-scale flammability (heat release) test does not separate well enough the FAA "desirable" materials systems and others judged "less desirable". Further, our results show that the FAA acceptance criteria proposed in Notice 85-10A cannot be met by even the best of the state-of-the-art material systems. Thus the aircraft manufacturers and airlines could not comply with the proposed acceptance criteria.

A performance standard based solely on the FAA proposed heat release test would not allow the continued use of "desirable" material systems and at the same time exclude all "less desirable" material systems. Only limited safety improvements could be achieved by the FAA proposal. Our proposal will accomplish the full safety intent of the Notice. The proposal combines significant aspects of the FAA Notice and current industry practices into a timely and practical method for materials systems selection.

We have developed a two-tier certification approach in which airplane parts would be handled by current FAR procedures, but material systems from which parts are constructed would be controlled by both smoke and heat release requirements. The FAA proposed heat release test is retained to eliminate the use of high heat release materials such as some thermoplastics. The industry proposal supplements the heat release test with a smoke release test to assure elimination of the "less desirable" materials systems.

The additional test would use the National Bureau of Standards (NBS) Smoke Chamber per ASTM F814. The NBS Smoke Chamber is used voluntarily by the U.S. and European transport aircraft manufacturers. It is available in sufficient numbers to implement our proposal.

Industry heat release and smoke release test results demonstrate conclusively that discriminating between "desirable" and "less desirable" material systems, as determined by the FAA full-scale C-133 tests, can be accomplished. The recommended heat and smoke release test requirements are discussed in detail in the proposal.

The NPRM did not directly address smoke because it was derived from a post-crash scenario where the onset of flashover is the overriding hazard. However, history shows that smoke emission can be of significant importance in in-flight fires. A smoke requirement now would obviate the need for a future standard covering the components defined in the NPRM and together with recent new FAA rulemaking requiring fire resistant seats, smoke detectors in lavatories and fire extinguishers in lavatory waste bins would significantly reduce the risk of in-flight fires.

The applicability of our proposal is essentially the same as the FAA proposal with the exception that the final rule would apply three years after publication of the final rule. Our previous comments on the FAA proposal contain cost and schedule impact information, including the justification for the 3 years to implementation. Those comments remain valid. The cost estimate of this proposal is at least as great as the \$240,000,000 that we estimated for removal of those materials which were identified as "less desirable" by the FAA.

The industry proposal is submitted as a petition for additional rulemaking in accordance with FAR 11, Subpart B. The industry proposal would fully satisfy the public safety objectives of NPRM 85-10. It is a timely and technically sound method for materials selection. By its adoption, the FAA would provide industry with assurance that the test methods and acceptance criteria will allow use of state-of-the-art "desirable" material systems, so that we could promptly proceed with programs to upgrade interior material systems.

February 27, 1986

We would welcome an opportunity to brief you and your staff in more detail on this matter.

Sincerely,

J. Roger Fleming
 J. Roger Fleming
 Senior Vice President
 Technical Services
 Air Transport Association

C. Ronald Lowry
 C. Ronald Lowry
 Vice President
 Research and Technology
 Aerospace Industries Association

Attachments:

1. Industry Alternative Proposal to NPRM 85-10
2. Endorsement Letters

cc: Notice 85-10 Rules Docket, 24594

Before the
 Administrator
 Federal Aviation Administration
 Washington, D. C.

-----	In Re:	-----
-----	Notice of Proposed Rulemaking	Docket No.
-----	(NPRM) No. 85-10, 10A, Pertaining	
-----	to Improved Flammability Standards:	
-----	for Materials Used in the Interiors	
-----	of Transport Category Airplane	
-----	Cabins	

ADDITIONAL COMMENTS AND
 PETITION FOR ADDITIONAL RULEMAKING PROCEEDINGS

Pursuant to the Federal Aviation Administration procedures for processing petitions for rulemaking (14 CFR Subpart 11.B), and specifically section 11.25, 11.33 and 11.47 thereof, the Aerospace Industries Association of America ("AIA") and the Air Transport Association of America ("ATA"), on behalf of their members, hereby submit (1) additional comments on the captioned NPRM, recommending adoption of the attached AIA and ATA Air Transport Industry Proposal (hereinafter "Industry Proposal") to Notice 85-10 and 10A and (2) petition the Administrator of the Federal Aviation Administration to institute an additional rulemaking proceeding to adopt the industry proposal.

BACKGROUND

The FAA Northwest Mountain Region issued Notice 85-10 on April 16, 1985 which, as amended by Notice 10A, July 26, 1985 requested comments on the proposal to upgrade FAA fire safety standards for cabin interior materials in transport category airplanes. The proposal was based on FAA research which concluded that, under certain post-crash fire conditions, public safety would be improved by substituting certain available state-of-the-art materials for some currently used older technology materials. Materials acceptable for use would be identified by a small-scale flammability test using the Ohio State University (OSU) rate of heat-release apparatus and associated pass/fail criteria.

AIA and ATA filed comments during the notice comment period concluding that the FAA proposal should not be adopted due to serious technical, economic and logistical shortcomings contained in the proposal. Subsequently, additional deficiencies were identified by AIA, ATA and others and submitted to the FAA after the close of the comment period. The Industry Proposal summarizes our previous comments.

On December 19, 1985, AIA and ATA advised the FAA Administrator that they would develop an Industry Proposal to Notice 85-10, 10A and transmit it to the FAA by February 28, 1986. By letter dated January 13, 1986, the Administrator advised AIA and ATA that the FAA would promptly evaluate the alternative proposal.

SUMMARY OF AIA/ATA PETITION

The Industry Proposal contains amendments to 14 CFR Sections 25.853 and 121.312 which would (1) modify the proposed flammability test method, (2) add a smoke-release test, and (3) provide an effective date three years after the amendments become effective. These amendments would enhance public safety by use of proven fire test methods to eliminate use of undesirable cabin materials. In addition, adoption of the amendments would permit the orderly incorporation of improved materials in production aircraft and with minimum disruption to public service. In short, adoption of the amendments to the FARs contained in the Industry Proposal would achieve the safety objectives set forth in the Notice of Proposed Rulemaking.

Since final action has not been taken on Notice 85-10, as amended by 85-10A, AIA and ATA hereby submit these additional comments thereon pursuant to 14 CFR Section 11.47. These comments recommend that the FAA adopt as its final rule in this docket the amendments to 14 CFR Sections 25.853 and 121.312 contained in the Industry Proposal. We are convinced these amendments, which have universal support among the industry parties, are fully within and responsive to the Notice of Proposed Rulemaking, and that the amendments in the Industry Proposal may be adopted without further administrative procedures.^{1/}

However, if the FAA wishes to provide an opportunity for further consideration of the Industry Proposal, AIA and ATA respectfully petition that appropriate procedures to assure informed administrative action and provide adequate protection

^{1/} Obviously, adoption of a final rule in this proceeding incorporating the amendments to 14 CFR Section 25.853 and 121.312 contained in the Industry Proposal would render moot this Petition for Additional Proceedings.

to all interested persons be established in this docket. Accordingly, pursuant to the provisions of 14 CFR Sections 11.25 and 11.33, AIA and ATA hereby petition for additional rulemaking proceedings for the purpose of reviewing and adopting the amendments to 14 CFR Sections 25.853 and 121.312 contained in the Industry Proposal attached hereto.

Respectfully submitted,

J. Roger Fleming
 J. Roger Fleming
 Senior Vice President -
 Technical Services
 Air Transport Association
 1709 New York Avenue, N. W.
 Washington, D. C. 20006

C. Ronald Lowry
 C. Ronald Lowry
 Vice President - Research &
 Technology
 Aerospace Industries Association
 1725 DeSales Street, N. W.
 Washington, D. C. 20036

Attachment
 Air Transport Industry
 Proposal to
 Notice 85-10, February 27, 1986

cc: Docket 24594

AIA/ATA Air Transport Industry Alternate Proposal to NPRM 85-10

1. Introduction and summary.
February 27, 1986

The AIA and the ATA committee on December 19, 1985 to deliver an alternative proposal to NPRM 85-10 to the FAA by February 28, 1986. The alternative has been formulated and is described herein. The AIA and ATA have requested and received strong support and participation from IATA and European airframe manufacturers (Airbus Industrie, Fokker, and British Aerospace) in its development.

The FAA intent in NPRM 85-10 is effectively summarized in the cost-benefit analysis. It is "to upgrade the fire safety standards for cabins in transport category airplanes . . . using state-of-the-art materials." "Looking at today's state-of-the-art . . . the major support materials, when set with certain phenolic resins, will pass the flammability standards proposed in this NPRM. The technology required to pass the standards exists today. The major impact of the adoption of the proposal would be elimination of the use of certain materials and a change of resins." "It is not the intent of the FAA to require a new technology by these proposals."

In its responses to NPRM 85-10, the air transport industry (manufacturers and operators) has uniformly and consistently supported the FAA's intent. This position is emphasized by industry's having unilaterally applied improved safety standards as the state-of-the-art developed, and having systematically established requirements and objectives beyond existing regulatory standards.

The industry has also supported the general technical basis used for the NPRM. In 1980, the SAFER committee in its report to the FAA recommended heat release as the appropriate combustion parameter that should be explored for use in a new fire standard, and cited the OSU calorimeter as being (at the time) the only available test device designed to monitor heat release.

Industry analysis of the NPRM's specifics however identified several important deficiencies:

- While the FAA full-scale C-133 test results showed conclusive differences between generic panels containing phenolic resins that were judged "desirable" by the FAA and ones judged "less desirable" that contained

epoxides, differences in results from the proposed OSU bench-scale heat release test are much smaller and in fact overlap. Thus the proposed OSU test cannot be used to distinguish between these materials.

- The proposed acceptance criteria were based solely on FAA tests of non-production "generic" panels. Industry test results on these panels and on production materials show that the proposed pass/fail limits must be increased by more than 50% to reflect the actual performance of "desirable" materials. The resulting criteria would eliminate the use of high heat release materials, but the overlap in OSU performance of "desirable" and "less desirable" materials would allow continued use of "less desirable" materials. The safety objectives cannot therefore be achieved by a rule based on the NPRM.

- According to industry data, the best state-of-the-art materials will not meet the pass/fail limits proposed in the NPRM. Industry could not comply with a final rule based on the NPRM.

- Owing to the complexity of the proposed test procedures and the length of time, special equipment, and highly trained personnel needed to perform them, the amount of testing that would be required for certification and quality control would be severely burdensome for both the airframe manufacturers and the materials suppliers if the test procedure were required to be applied to individual parts.

- The proposed 2-year compliance time for production airplanes cannot be achieved.

Our proposal avoids these problems. It represents a technically viable approach which, if adopted, would accomplish the intent of the NPRM in its entirety.

Our proposal does not contain a test for toxic gas release. Industry experience has shown that control of heat release and smoke emission to a great extent controls toxic gas emissions as well. The NPRM includes discussion of FAA full-scale C-133 tests that support this finding and the statement that "a satisfactory separate test for toxicity is not available".

[FR Doc. 86-16284 Filed 7-18-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 335 and 369

[Docket No. 78N-036D]

Antidiarrheal Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In FR Doc. 86-9598 beginning on page 16138 in the issue of Wednesday, April 30, 1986, make the following corrections:

1. On page 16145, in the second column, Reference (2), third line, the third word should read "Lomotil®", and in Reference (3), second line, "OBO064" should read "OB0064";
2. On the same page, in the same column, in the paragraph designated "24.", in the tenth line, "and" should read "as", and in the twelfth line, "which" should read "when";
3. On page 16146, in the third column, in the paragraph designated "1", in the ninth line, "and" should read "to"; and
4. On page 16147, in the first column, in the first column of the table, sixth entry, "salo" should read "salol".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS-42084B; FRL-3051-9]

Methylcyclopentane and Commercial Hexane; Proposed Test Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA is extending the comment period for the proposed test rule on methylcyclopentane and commercial hexane. Extension of the comment period is necessary to allow industry additional time to better define the composition of commercial hexanes in current production and commerce and, in so doing, determine which manufacturers and processors should be subject to the final rule.

DATES: Written comments on the proposed rule should be submitted on or before September 15, 1986. Requests to make oral comments at a public meeting have already been submitted to the

Agency, and a public meeting will be held this October.

ADDRESS: Address written comments in triplicate identified by the document control number OPTS-42084B to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St. SW., Washington, DC 20460.

The public records supporting these actions are available for inspection in Rm. NE-G004 at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Rm. E-543, 401 M St. SW., Washington, DC 20460
Toll free: (800-424-9065); In Washington, DC (554-1404)
Outside the USA: (Operator-202-554-1404)

SUPPLEMENTARY INFORMATION: Proposed rulemaking for methylcyclopentane and commercial hexane in response to the 16th Interagency Testing Committee (ITC) Report was published in the *Federal Register* of May 15, 1986 (51 FR 17854). The proposed rule identified commercial hexane as "a product . . . which consists primarily of six-carbon alkanes or cycloalkanes and contains at least 50 liquid volume percent n-hexane (CAS No. 110-54-3) and at least 5 liquid volume percent methylcyclopentane (MCP; CAS No. 96-37-7)." The American Petroleum Institute contends that this composition does not conform to the range of commercial hexanes in current production and commerce. If this is so, the rule as proposed may not apply to a substantial portion of the "commercial hexanes" in commerce. Extension of the comment period will allow additional time for API and the manufacturers and processors they represent to develop a more representative definition of commercial hexane. In doing so, manufacturers and processors who should be subject to the final rule should also be determined. Written comments should be submitted on or before September 15, 1986. Requests to make oral comments at a public meeting have already been submitted to the Agency, and a public meeting will be held this October. Information on the exact time and place of the meeting will be available from the TSCA Assistance Office.

Authority: 15 U.S.C. 2603.

Dated: July 11, 1986.

Edwin F. Tinsworth,
Acting Director, Office of Toxic Substances.
[FK Doc. 86-16296 Filed 7-18-86; 8:45 am]
BILLING CODE 5560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 302

Civil Defense, State and Local Emergency Management Assistance Program (EMA)

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking is designed to delegate to the Regional Directors authority to reallocate surplus EMA funds to States within their regions during the first 9 months of each fiscal year.

DATE: Comments are due September 19, 1986.

ADDRESS: Send comments to Rules Docket Clerk, Office of General Counsel, Federal Emergency Management Agency, 500 C St. SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Marilyn Barton, Office of Emergency Management Programs, Federal Emergency Management Agency, Washington, DC 20472 (202-646-3510).

SUPPLEMENTARY INFORMATION: The change in procedures will allow a FEMA Regional Director the authority for the first 9 months of each fiscal year to reallocate unused portions of a State's EMA allocation among the other States as, in his/her best judgment, will best assure the adequate development of the civil defense capability of the Nation. This delegation is additional to and does not replace that to the Associate Director for State and Local Programs and Support (44 CFR 2.61(j)(7)).

The Regional Directors need not apply the same formula for the reallocations as is done for the original allocations by the Director. Therefore the paragraphs (l) and (m) in § 302.5 are proposed to be revised to accommodate the redelegation from the Director to the Regional Directors to reallocate EMA funds under certain conditions.

Nonapplicability

As Federal funding to which these regulations will be applicable is less than \$100,000,000 annually, the regulation is not considered to be a major regulation requiring a regulatory analysis under Executive Order 12291. The regulation also is applicable to States to which the funding is made available and thus is not subject to the requirements of the Regulatory Flexibility Act which is concerned with small entities. No regulatory flexibility analysis will be prepared. This amendment does not call for any

collection of information requiring clearance under section 3504(h) of the Paperwork Reduction Act and, as the regulation is administrative in character, there is no requirement for environmental clearance.

Comments

Comments on these matters are solicited and should be submitted to the above address in writing. Two copies are requested.

Upon receipt of and action on these suggestions, a final rule will be published in the *Federal Register*. The target date for this issuance is September 30, 1986.

List of Subjects in 44 CFR Part 302

Civil defense, Grants programs, National defense.

Accordingly, it is proposed to amend 44 CFR, Chapter 1, Subchapter E, Part 302, Code of Federal Regulations as follows:

PART 302—CIVIL DEFENSE-STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

1. The authority citation for Part 302 continues to read as follows:

Authority: 50 U.S.C. App. 2251 et seq.; Reorganization Plan No. 3 of 1978; E.O. 12148.

§ 302.5 [Amended]

2. In 302.5, paragraphs (l) and (m) are revised, and new paragraphs (n) and (o) are added:

(l) After being advised of its annual formal allocation, if a State fails to submit, within 60 days, an approvable annual submission in the amount of its allocation, the Regional Director may reallocate the unused portion to other States in the region in such amounts as in his judgment will best assure adequate development of the civil defense capability of the Nation. The exception to this authority will be in the event a State, or local jurisdiction, refuses to participate in attack preparedness activities. EMA funds withheld or returned for that reason are to be released to headquarters for reallocation on a national basis.

(m) Immediate notice to the headquarters EMA Program Manager of State reallocations is required in the form of copies of EMA-approved Annual Submission amendment documents, accompanied by copies of assistance award/amendment documents signed by regional and State authorized officials of both the releasing and recipient States.

(n) There is no dollar ceiling on the amount of funds that may be reallocated among States in a region. However, at any time that there are funds surplus to the eligible needs of the States within a region, those funds should be promptly released to headquarters for reallocation to other States with unfunded additional requirements.

(o) On July 1 of each fiscal year the authority to reallocate EMA funds shall revert to the Director. In addition, any excess EMA funds available on that date, or that become available during the remainder of the fiscal year, are to be promptly released to headquarters for reallocation by the Director.

Date: July 15, 1986.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 86-16283 Filed 7-18-86; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 235 and 252

Department of Defense Federal Acquisition Regulation Supplement; Short Form Research Contracts

ACTION: Proposed rule and request for comments.

SUMMARY: The Department of Defense is proposing revised coverage to Subpart 235.70 and Section 252.235-7005 of the DoD FAR Supplement (DFARS) to ensure conformance with Pub. L. 98-369, Competition in Contracting Act (CICA).

DATE: Comments on the proposed revisions should be submitted in writing to the Executive Secretary, DAR Council, at the address shown below, on or before September 19, 1986, to be considered in the formulation of the final rule. Please cite DAR Case 85-14 in all correspondence related to this issue.

ADDRESS: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, ODASD(P)/DARS, c/o OASD(A&L)(M&RS), Room 3C841, The Pentagon, Washington, DC 20301-3062.

FOR FURTHER INFORMATION CONTACT: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, (202) 697-7268.

SUPPLEMENTARY INFORMATION:

A. Background

Prior to CICA, Short Form Research Contracts were used only for unsolicited proposals from educational institutions or nonprofit organizations. CICA

allowed for conversion to the competitive procedures set forth in FAR 6.102(d)(2). This procedure recognizes as competition the selection of basic research proposals resulting from broad agency announcements and peer or scientific proposal review. The proposed revisions contained herein will, if finally approved, authorize the short form research contract for competitive awards.

B. Regulatory Flexibility Act

The proposed changes to DFARS Subpart 235.70 and Section 252.235-7005 do not appear to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

C. Paperwork Reduction Act

The proposed rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 48 CFR Parts 235 and 252

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition, Regulatory Council.

Therefore, it is proposed that 48 CFR Parts 235 and 252 be amended as follows:

1. The authority citation for 48 CFR Parts 235 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 235—RESEARCH AND DEVELOPMENT CONTRACTING

235.7000 [Amended]

2. Section 235.7000 is amended by removing the comma after the word "research" and substituting a period, and by removing the remainder of the sentence.

3. Section 235.7002 is amended by removing at the end of paragraph (a)(1) the word "or"; and by revising paragraph (a)(3) to read as follows:

235.7002 Applicability.

(a) * * *

(3) when the basis for award is either:

(i) A basic research proposal responding to a broad agency announcement (FAR 6.102(d)(2)) that is general in nature, includes criteria for selecting proposals and solicits the participation of all offers capable of satisfying the Government's needs, and the proposals are selected for award by peer or scientific review; or

(ii) An unsolicited research proposal (FAR 6.302-1) demonstrating a unique and innovative concept, as defined in FAR 15.6, the substance of which (A) is not otherwise available to the Government and (B) does not resemble a pending competitive acquisition; or

(iii) As described in FAR 6.302-3, a proposal establishing or maintaining an essential engineering, research, or development capability to be provided by an educational institution or other nonprofit organization.

* * *

235.7003 [Amended]

4. Section 235.7003 is amended by substituting the word "research" in lieu of the word "unsolicited" in the title of the section and the first word of the first sentence of the introductory paragraph; by removing the word "unsolicited" from the second sentence of the introductory paragraph; and by substituting in the statement contained in paragraph (g) the words "effective date of the contract" in lieu of the words "date of this proposal".

5. Section 235.7004 is amended by revising paragraph (a); by removing the word "unsolicited" from paragraph (b); by redesignating paragraphs (c) through (h) to paragraphs (d) through (i); by adding a new paragraph (c); by substituting in the redesignated paragraph (d) the word "research" in lieu of the word "unsolicited"; by removing in the redesignated paragraph (d) the phrase ", either as submitted initially, or as amended in writing by the offeror,"; and by substituting in the first sentence of the redesignated paragraph (e) the word "research" in lieu of the word "unsolicited"; to read as follows:

235.7004 Contracting procedures.

(a) The contracting officer may award an SFRC under full and open competition procedures of FAR Subpart 6.1 when it is based on a proposal which was submitted in response to a broad agency announcement under FAR 6.102(d)(2), contains the information required by DFARS 235.7003, and has been recommended for award under the peer or scientific review procedures of FAR 6.102(d)(2).

* * *

(c) The contracting officer may award an SFRC under the procedures of FAR Subpart 6.3 for other than full and open competition when—(1) It is based on an unsolicited research proposal that meets the criteria of FAR 6.302-1 and has been submitted, evaluated, and accepted under the policies and procedures of FAR Subpart 15.5, and 15.5 or

(2) Pursuant to FAR 6.302-3, it is necessary to award a contract to establish or maintain an essential engineering research or development capability.

235.7008 [Amended]

6. Section 235.7008 is amended by adding in the first sentence of paragraph (a) between the word "the" and the word "date" the word "effective"; by substituting in the first sentence of paragraph (a) the word "contract" for the words "offeror's proposal"; and by changing the dollar figure in both places in paragraph (e) from "\$10,000" to read "\$25,000".

7. Section 235.7010 is added to read as follows:

235.7010 Uniform Contract Format.

The Short Form Research Contract is exempt from Uniform Contract Format requirements as specified in FAR 15.406.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

8. Section 252.235-7005 is amended by revising the introductory paragraph; by designating lettered paragraphs (a) through (ppp) for each referenced clause; by revising the designated paragraphs (a) through (eee); by changing the date of the clause in the designated paragraph (fff) to read "(1986)" in lieu of "(AUG 1983)"; by removing from the clause in paragraph (fff) the word "unsolicited"; by changing the date of the clause in the designated paragraph (kkk) to read "(1986)" in lieu of "(APR 1984)"; by substituting in paragraphs (c) and (d) of the clause in paragraph (kkk) the number "27a" in lieu of the number "27A"; by changing the date of the clause in the designated paragraph (111) to read "(1986)" in lieu of "(APR 1984)"; by removing in paragraph (b) of the clause in paragraph (111) the comma after the word "property" and placing the words "except material" within parentheses; by revising paragraph (b)(3) of the clause in paragraph (111); by revising the last sentence of paragraph (e) of the clause in paragraph (111); by substituting in paragraph (g) of the clause in paragraph (111) the words "calendar year or" in lieu of the words "calendar year of"; by changing the date of the clause in the designated paragraph (mmm) to read "(1986)" in lieu of "(APR 1984)"; by removing in the first sentence of paragraph (a) of the clause in paragraph (mmm) the word "unsolicited"; by removing in paragraph (b) of the clause in paragraph (mmm) the

word "unsolicited"; and by adding a new paragraph (qqq) to read as follows:

252.235-7005 Short Form Research Contract Clauses.

As prescribed in 235.7008(b), insert the following clauses in SFRC awards to educational institutions and nonprofit organizations. The clauses set forth below are incorporated with the same force and effect as if set forth in full. Clauses with a single asterisk (*) are applicable to educational institutions only. Clauses with a double asterisk (**) are applicable to nonprofit organizations only. For awards where the amount is less than \$25,000, the inapplicable clauses shall be identified in the contract.

- (a) Definitions, FAR 52.202-1.
- (b) Officials Not to Benefit, FAR 52.203-1.
- (c) Gratuities, FAR 52.203-3.
- (d) Covenant Against Contingent Fees, FAR 52-03-5.
- (e) Overseas Distribution of Defense Subcontracts (see 252-204-7005 of this Supplement) (applicable only when contract action exceeds \$500,000 or when any modification increases contract amount to more than \$500,000).
- (f) Examination of Records by Comptroller General, FAR 52.215-1.
- (g) Audit—Negotiation, FAR 52.215-2.
- (h) Price Reduction for Defective Cost or Pricing Data, FAR 52.125-22 (applicable to cost-plus-fixed-fee contract actions exceeding \$100,000; applicable to subcontracts under cost no-fee prime contracts if contract action exceeds \$100,000).
- (i) Subcontractor Cost or Pricing Data, FAR 52.215-2 (applicable only if FAR 52.215-22 applies).
- (j) Facilities Capital Cost of Money, FAR 52.215-30 (applicable as set forth in the clause).
- (k) Waiver of Facilities Capital Cost of Money, FAR 52.215-31 (applicable as set forth in the clause).
- (l) Aggregate Pricing Adjustments (see 252.215-7000 of this Supplement) (applicable only if contract action exceeds \$100,000 and FAR 52.215-22 applies).
- (m) Allowable Cost and Payment, FAR 52.216-7.
- (n) Fixed Fee, FAR 52.216-8 (applicable only in cost-plus-fixed-fee contracts).
- (o) Cost Contract—No Fee, FAR 52.216-11 and Alternate I. As authorized by Alternate I, paragraph (b) of the basic clause is deleted.
- (p) Cost Sharing Contract—No Fee, FAR 52.216-12 and Alternate I. As authorized by Alternate I, paragraph (b) of the basic clause is deleted.

* (q) Predetermined Indirect Cost Rates, FAR 52.216-15 (applicable only when the contractor has an executed negotiation agreement with the cognizant contract administration office).

(r) Utilization of Small Business Concerns and Small Disadvantaged Business Concerns, FAR 52.219-8.

(s) Utilization of Women-Owned Small Businesses, FAR 52.219-13.

(t) Utilization of Labor Surplus Area Concerns, FAR 52.220-3.

(u) Payment for Overtime Premiums, FAR 52.222-2. (Note: The word "zero" is inserted in the blank space indicated by an asterisk. Clause applicable only when contract action exceeds \$100,000.)

(v) Convict Labor, FAR 52.222-3.

(w) Equal Opportunity, FAR 52.222-26. Alternate I shall be added as a special provision when applicable per Alternate I instructions.

(x) Affirmative Action for Special Disabled and Vietnam Era Veterans, FAR 52.222-35.

(y) Affirmative Action for Handicapped Workers, FAR 52.222-36.

(z) Clean Air and Water, FAR 52.223-2 (applicable only if contract action exceeds the dollar amount set forth in the preamble to the clause).

(aa) Authorization and Consent, FAR 52.227-1 and Alternate I.

(bb) Notice and Assistance Regarding Patent and Copyright Infringement, FAR 52.227-2.

(cc) Patent Rights—Retention by the Contractor (Short Form), FAR 52.227-11.

(dd) Rights in Technical Data and Computer Software and Alternate I (see 252.227-7013 of this Supplement).

(ee) Restrictive Markings on Technical Data (see 252.227-7018 of this Supplement).

(ff) Identification of Technical Data (see 252.227-7029 of this Supplement).

(gg) Technical Data—Withholding of Payment (see 252.227-7030 of this Supplement).

(hh) Patents—Subcontracts, (see 252.227-7034 of this Supplement).

(ii) Insurance—Liability to Third Persons, FAR 52.228-7. Alternates I or II apply under the circumstances set forth herein.

(jj) Cost Accounting Standards, FAR 52.230-3 (applicable only if contract action exceeds \$100,000 and the contract is not exempt per FAR 30.301).

(kk) Administration of Cost Accounting Standards, FAR 52.230-4 (applicable only if contract action exceeds \$100,000 and the contract is not exempt per FAR 30.301).

(ll) Disclosure and Consistency of Cost Accounting Practices, FAR 52.230-5 (applicable only if contract action

exceeds \$100,000 and the contract is not exempt per FAR 30.301).

(mm) Supplemental Cost Principles (see 252.231-7000 of this Supplement) (applicable to nonprofit institutions only when allowability of costs is determined in accordance with FAR Subpart 31.2).

** (nn) Limitation on Withholding of Payments, FAR 52.232-9.

(oo) Limitation of Cost, FAR 52.232-20 (applicable only when contract action is fully funded).

(pp) Limitation of Funds, FAR 52.232-22 (applicable only when contract action is incrementally funded).

(qq) Assignment of Claims, FAR 52.232-23.

(rr) Disputes, FAR 52.233-1.

(ss) Certification of Requests for Adjustment or Relief Exceeding \$100,000 (see 252.233-7000 of this Supplement) (applicable only if contract action exceeds \$100,000).

(tt) Care of Laboratory Animals, 252.235-7003.

(uu) Notice of Intent to Disallow Costs, FAR 52.242-1.

** (vv) Changes—Cost Reimbursement, FAR 52.243-2 and Alternate V.

(ww) Subcontracts Under Cost-Reimbursement and Letter Contracts, FAR 52.244-2.

(xx) Competition in Subcontracting, FAR 52.244-5.

(yy) Government Property (Cost-Reimbursement, Time and Material or Labor-Hour Contracts), FAR 52.245-5 and Alternate I.

(zz) Preference for United States-Flag Air Carriers, FAR 52-247-63.

(aaa) Termination for the Convenience of the Government (Educational and Other Nonprofit Institutions), FAR 52.249-5 (applicable as set forth in clause preamble).

** (bbb) Termination (Cost-Reimbursement), FAR 52-249-6 (applicable only to cost-plus-fixed fee contracts).

** (ccc) Excusable Delays, FAR 52.249-14 (applicable only to contracts to which FAR clause 52.249-6, Termination (Cost-Reimbursement), is applicable).

(ddd) Government Supply Sources, FAR 52.251-1.

(eee) Ordering From Government Supply Sources (see 252.251-7000 of this Supplement).

(fff) Work to be Performed.

(ggg) Acknowledgement of Sponsorship.

(hhh) Publications

(iii) Reporting Requirements.

(jjj) Option to Extend the Term of the SFRC.

(kkk) Contractor-Acquired Property.

(lll) Title to Contractor-Acquired Property.

(b) * * *

(3) for which the Contracting Officer has authorized acquisition by the Contractor; (1) At the time of award of the contract or modification as provided by the clause of this Subpart entitled "Contractor-Acquired Property", or (ii) subsequent to award pursuant to FAR 52.244-2.

* * *

(e) * * * The provisions of FAR 52.245-5 and Alternate I apply to any changes in property.

* * *

(End of clause)

(mmm) Research Responsibility.

* * *

(nnn) Restriction of Printing.

* * *

(ooo) Contract Items Requiring Experimental, Developmental or Research Work.

* * *

(ppp) Advance Payments.

* * *

(qqq) Inspection and Acceptance.

Inspection and Acceptance (1986)

Inspection and acceptance of the final delivery under this contract will be accomplished by the Scientific Program Officer designated in Block 11 on the DD Form 2222 of this contract, who shall have at least thirty (30) days after contractual delivery for acceptance.

(End of clause)

[FR Doc. 86-16291 Filed 7-18-86; 8:45 am]

BILLING CODE 3510-01-M

Notices

Federal Register

Vol. 51, No. 139

Monday, July 21, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 86-014REV]

FY 1986 Limitations on Reimbursable Inspection Service; Revocation

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Revocation of Notice.

SUMMARY: On April 21, 1986, the Food Safety and Inspection Service (FSIS) published a notice in the *Federal Register* (51 FR 13541) advising, that due to budgetary constraints resulting from the FY 1986 budget sequestration under the Balanced Budget Emergency Deficit Control Act of 1985, overtime meat and poultry inspection services would be unavailable during the last few weeks of FY 1986. The notice further advised that FSIS was planning furloughs of its employees on the 3 Federal holidays remaining in FY 1986, during which no inspection service would be available. That notice is hereby revoked. The Office of Management and Budget (OMB) has recently advised that the sequester order does not establish a cap on spending from this account, and so long as the sequestered savings are achieved from the account containing fees for overtime and holiday inspection services, additional spending for meat and poultry inspection financed by user fees in excess of those estimated for the sequester order is permitted. This will permit FSIS to respond to the demand for overtime and holiday services for the remainder of the fiscal year. Furthermore, the passage on July 2, 1986, of the Urgent Supplemental Appropriations Act of 1986 (Pub. L. No. 99-349), which contains a supplemental appropriation for FSIS of \$3.7 million, makes unnecessary any furloughs of Program employees during FY 1986.

FOR FURTHER INFORMATION CONTACT: Joseph A. Powers, Deputy

Administrator, Administrative Management, (202) 447-4425, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

Done at Washington, DC, on: July 16, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-16324 Filed 7-18-86; 8:45 am]

BILLING CODE 3410-DM-M

COMMISSION ON CIVIL RIGHTS

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee Advisory Committees; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina & Tennessee Advisory Committees to the Commission will convene at 1:00 p.m. and adjourn at 6:00 p.m. on August 7, 1986 and convene at 10:00 a.m. and adjourn at 6:00 p.m. on August 8, 1986 at the Hotel International, Board Room, 135 South Port Royal Drive, Hilton Head Island, South Carolina. The purpose of the meeting is to plan for the Regional SAC Conference.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Elizabeth Patterson or Bobby Doctor Director of the Southern Regional Office at (404)221-4391, (TDD 404/221-4391). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 14, 1986.

Ann E. Goode,

Program Specialist for Regional Programs.

[FR Doc. 86-16270 Filed 7-18-86; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 p.m. and adjourn at 9:00 p.m., on August 18, 1986, at the Holiday Inn, Carousel Room, Blush Hill Road, Waterbury, Vermont. The purpose of the meeting is to discuss the agenda for the September 6 factfinding meeting in Montpelier on a study of civil rights laws and methods of enforcement in Vermont.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Kenneth Holland or Jacob Schlitt, Director of the New England Regional Office at (617)223-4671, (TDD 617/223-0344). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, July 14, 1986.

Donald A. Deppe,

Program Specialist for Regional Programs.

[FR Doc. 86-16269 Filed 7-18-86; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Federal Coal Export Commission: Initial Committee Meetings

AGENCY: Office of the Secretary, Commerce.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976), as amended, notice is hereby given that the Federal Coal Export Commission (Commission) will hold the initial meeting of the Committees on Trade; Export Finance; Regulatory Issues; and Employment, Productivity, and Adjustment. The dates and times of the meeting are as follows:

Committee on Export Finance
July 28, 1986, 2:00 p.m.—3:00 p.m.,
Room 4830

Committee on Trade

July 28, 1986, 3:30 p.m.—4:30 p.m.,
Room 4830

Committee on Regulatory Issues

July 29, 1986, 10:00 a.m.—11:00 a.m.,
Room 5230

**Committee on Employment Productivity,
and Adjustment**

July 29, 1986, 2:30 p.m.—3:30 p.m.,
Room 5230

All meetings will be held at the U.S.
Department of Commerce, Herbert C.
Hoover Bldg. 14th and Constitution
Avenue, N.W., Washington, D.C.

The agenda for these initial meetings
is to organize and develop the
committee work plan. For further
information contact Robert H. Brumley,
Executive Director of the Commission,
at (202) 377-4772.

The public is welcome to attend these
initial committee meetings and will be
admitted to the extent that seating is
available. Public comments are welcome
and persons wishing to make formal
statements should notify the Executive
Director of the Commission in advance
of the meetings. The Chair retains the
right to place reasonable limits on the
duration of public comments. Written
statements may be submitted before or
after each session.

Signed in Washington, D.C. this 18th day of
July, 1986.

Robert A. Brumley,

Executive Director.

[FR Doc. 86-16513 Filed 7-18-86; 12:05 pm]

BILLING CODE 3510-BW-M

**Federal Coal Export Commission:
State of the Industry Committee
Meeting**

AGENCY: Office of the Secretary,
Commerce.

SUMMARY: Pursuant to section 10(a)(2) of
the Federal Advisory Committee Act, 5
U.S.C. App. I (1976) as amended, notice
is hereby given that the Federal Coal
Export Commission (Commission) will
hold a meeting of the State of the
Industry Committee on Monday, July 28,
1986 at 10:00 a.m. The meeting will be
held in room 4830, U.S. Department of
Commerce, Herbert C. Hoover Bldg.,
14th Street and Constitution Avenue,
N.W., Washington, DC.

At this meeting the State of the
Industry Committee will discuss its draft
report.

The public is welcome to attend this
meeting and will be admitted to the
extent that seating is available. Public
comments are welcome and persons
wishing to make formal statements
should notify the Executive Director of

the Commission in advance of the
meeting. The Chair retains the right to
place reasonable limits on the duration
of public comments. Written statements
may be submitted before or after each
session.

For further information contact Robert
H. Brumley, Executive Director of the
Commission, at (202) 377-4772.

Signed in Washington, DC this 17th day in
July, 1986.

Robert H. Brumley,

Executive Director.

[FR Doc. 86-16431 Filed 7-18-86; 8:45 am]

BILLING CODE 3510-BW-M

**National Oceanic and Atmospheric
Administration****Marine Mammals; Denial of Permit;
Bureau of Fisheries**

On April 15, 1986, notice was
published in the *Federal Register* (51 FR
12725) that an application has been filed
by the Bureau of Fisheries, New York
State Department of Environmental
Conservation, 50 Wolf Road, Albany,
New York 12233 for a scientific purpose
permit to take 150 shortnose sturgeon
(*Acipenser brevirostrum*).

Notice is hereby given that pursuant
to the provisions of the Endangered
Species Act 1973 (16 U.S.C. 1531-1543),
after having considered all pertinent
information and facts, the National
Marine Fisheries Service has
determined that the permit request
submitted by the Bureau of Fisheries
should be denied. The Applicant was
notified on June 24, 1986.

Documents submitted on connection
with the above application are available
for review in the following offices:
Assistant Administrator for Fisheries,
National Marine Fisheries Service, 3300
Whitehaven Street, NW., Washington,
D.C.; and Director, Northeast Region,
National Marine Fisheries Service, 14
Elm St., Federal Building, Gloucester,
Massachusetts 01930.

Dated: July 10, 1986.

Richard B. Roe,

*Director, Office of Fisheries Management,
National Marine Fisheries Service.*

[FR Doc. 86-16301 Filed 7-18-86; 8:45 am]

BILLING CODE 3510-22-M

**Marine Mammals; Issuance of Permit;
Loro Parque, S.A.**

On April 15, 1986, notice was
published in the *Federal Register* (51 FR
12724) that an application had been filed
by Loro Parque, S.A., Puerto de la Cruz,
Tenerife, Spain to export California sea
lions (*Zalophus californianus*) and

Atlantic bottlenose dolphins (*Tursiops
truncatus*) for public display.

Notice is hereby given that on July 10,
1986 as authorized by the provisions of
the Marine Mammal Protection Act of
1972 (16 U.S.C. 1361-1407), the National
Marine Fisheries Service issued a Permit
for the above taking subject to certain
conditions set forth therein.

The Permit is available for review by
interested persons in the following
offices: Assistant Administrator for
Fisheries, National Marine Fisheries
Service, 3300 Whitehaven Street NW.,
Washington, DC; Director, Southeast
Region, National Marine Fisheries
Service, 9450 Koger Boulevard, St.
Petersburg, Florida 33702; and Director,
Southwest Region, National Marine
Fisheries Service, 300 South Ferry Street,
Terminal Island, California 90731-7415.

Dated: July 10, 1986.

Richard B. Roe,

*Director, Office of Fisheries Management,
National Marine Fisheries Service.*

[FR Doc. 86-16302 Filed 7-18-86; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE**Office of the Secretary**

AGENCY: Defense Intelligence Agency
Scientific Advisory Committee, DoD.

ACTION: Notice of Closed Meeting.

SUMMARY: Pursuant to the provisions of
subsection (d) of section 10 of Pub. L.
92-463, as amended by section 5 of Pub.
L. 94-409, notice is hereby given that a
closed meeting of a panel of the DIA
Scientific Advisory Committee has been
scheduled as follows:

DATE: Tuesday, 5 August 1986, 9:00 a.m.
to 5:00 p.m.

ADDRESS: The DIAC, Bolling AFB,
Washington, D.C.

FOR FURTHER INFORMATION CONTACT:
Lieutenant Colonel Harold E. Linton,
USAF, Executive Secretary, DIA
Scientific Advisory Committee,
Washington, D.C. 20301 (202/373-4930).

SUPPLEMENTARY INFORMATION: The
entire meeting is devoted to the
discussion of classified information as
defined in section 552b(c)(1), Title 5 of
the U.S. Code and therefore will be
closed to the public. Subject matter will
be used in special study on intelligence
support systems.

Patricia H. Means,

*OSD Federal Register Liaison Officer,
Department of Defense.*

July 15, 1986.

[FR Doc. 86-16293 Filed 7-18-86; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Application; New Awards Under the Transition Program for Refugee Children; FY 1986**AGENCY:** Department of Education.**ACTION:** Application Notice for New Awards under the Transition Program for Refugee Children for Fiscal Year 1986.**Programmatic and Fiscal Information**

Notice is given that the Secretary has established a closing date for the transmittal of applications for assistance under the Transition Program for Refugee Children. A State educational agency (SEA) may apply for a grant if it meets the eligibility requirements contained in 34 CFR 538.2. This program supports educational activities designed to meet the special needs of eligible refugee children who are enrolled in elementary and secondary public and nonprofit private schools and to enhance their transition into American society.

To be eligible for a grant, an SEA must submit a count of refugee children eligible for assistance under the Transition Program for Refugee Children conducted on March 3, 1986 or a date thereafter which is no later than July 15, 1986.

A grant is made to an SEA based on the number of eligible children enrolled in public and nonprofit private schools in the State, using the weighting factors announced in this notice. Using the same formula, the SEA awards subgrants to local educational agencies (LEAs) in its State that propose to serve eligible children within their jurisdictions. As provided in 34 CFR 538.20, the SEA makes subgrants to LEAs within 60 days after the State receives the grant award funds. If an LEA does not apply to serve its eligible children, the SEA provides services directly to those children or arranges for provision of services to those children through subgrants, contracts, and cooperative agreements with other public and private nonprofit organizations, agencies, and institutions.

Awards under this program are to provide educational services to eligible children during the 1986-1987 school year.

Weighting Factor

Section 538.31 of the program regulations authorizes the Secretary to announce the weighting factors to be used in distributing funds under this program. For the award of fiscal year 1986 funds, the Secretary uses the following formula for distributing funds:

Recency of arrival in the United States (in years)	Weighting factors by school level	
	Elementary grade levels	Secondary grade levels
Less than 1 year.....	10	10
1 to 2 years.....	3	5
2 to 3 years.....	0	3
3 to 4 years.....	0	0
More than 4 years.....	0	0

The Congress appropriated \$16.6 million for fiscal year 1986 awards to SEAs. This amount has been reduced by \$714,000 under the Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. 99-177. The net amount available for funding the Transition Program for Refugee Children is \$15,886,000.

Closing Date for Transmittal of Applications

Applications for new awards must be mailed or hand-delivered on or before August 21, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: CFDA No. 84.146, 400 Maryland Avenue, SW., Washington, DC 20202.

Each late applicant will be notified that its application will not be considered.

Applications that are hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturdays, Sundays, and Federal holidays.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The regulations governing the Transition Program for Refugee Children in 34 CFR Part 538.

(b) Regulations governing the Refugee Resettlement Program in 45 CFR Part 400.

(c) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 76, 77, 78, and 79.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and

review of proposed Federal financial assistance.

Immediately upon receipt of this notice, applicants must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand-delivered by September 20, 1986, to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.146), 400 Maryland Avenue, SW., Washington, DC 20202.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Application Forms

Application forms and program information packages are available.

These may be obtained by writing to Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 2020. The Office of Bilingual Education and Minority Languages Affairs will mail application forms and program information packages to all SEAs.

Further Information

For further information contact Jonathan Chang, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 421, Reporters Building), Washington, DC 20202. Telephone: (202) 732-1842.

Program Authority

20 U.S.C. 4101-4108.

(Catalog of Federal Domestic Assistance Number 84.146, Transition Program for Refugee Children)

Dated: July 16, 1986.
 William J. Bennett,
 Secretary of Education.
 [FR Doc. 86-16441 Filed 7-18-86; 8:45 am]
 BILLING CODE 4000-01-M

Office of Educational Research and Improvement

Application Notice for New Awards Under Library Career Training Program; FY 1987

AGENCY: Department of Education.
ACTION: Application Notice for New Awards Under Library Career Training Program for Fiscal Year 1987.

Programmatic and Fiscal Information

Applications are invited for new fellowship and institute project grants under the Library Career Training Program for fiscal year (FY) 1987. This program is authorized under Title II-B of the Higher Education Act of 1965, as amended by the Education Amendments of 1980. (20 U.S.C. 1021 et seq.)

The purpose of these grants is to assist in training persons in librarianship through the conduct of fellowships and institutes. Institutions of higher education or a library agency or organization are eligible to apply.

The U.S. Department of Education has not requested funds for the Library Career Training Program for FY 1987. However, applications are invited to allow sufficient time to evaluate applications and complete processing prior to the end of the fiscal year in the event funds are appropriated for the program. In FY 1986, 39 grants were awarded totaling \$610,000 which provided fellowships to 68 individuals. In FY 1987, the Secretary may make both fellowship and institute awards in the event funds are appropriated.

These estimates do not bind the U.S. Department of Education to specific number of grants nor to the amount of any grant, unless that amount is otherwise specified by statute or regulations.

Closing Date for Transmittal of Applications

Applications for new awards must be mailed or hand delivered on or before September 26, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Applications Control Center, Attention: (CFDA No: 84.036), 400 Maryland Avenue, SW., Washington, DC 20202.

Each late applicant will be notified

that its application will not be considered.

Applications that are hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

The Application Control Center will accept hand delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturdays, Sundays, and Federal holidays.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The regulations governing the Library Career Training Program in 34 CFR Part 776.

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 78, and 79.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Immediately upon receipt of this notice, applicants that are government entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State to follow the procedures established in those States under the Executive Order. A listing containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand delivered by November 26, 1986, to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.036), 400 Maryland Avenue, SW., Washington, DC 20202.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Application Forms

Application forms and program information packages are expected to be available by July 29, 1986. These may be obtained by writing to Library Programs, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 402, Capitol Place Building, Washington, DC 20208-1430, Attention: HEA Title II-B.

Further Information

For further information contact Mr. Frank A. Stevens, Director, or Mrs. Yvonne B. Carter, Administrative Librarian, Library Programs, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, N.W., Room 402, Capitol Place Building, Washington, DC 20208-1430. Telephone: (202) 357-6315.

Program Authority

20 U.S.C. 1021 et seq.
 (Catalog of Federal Domestic Assistance No. 84.036, Library Career Training Program).

Dated: July 15, 1986.

Chester E. Finn, Jr.,
 Assistant Secretary for Educational Research and Improvement.

[FR Doc. 86-16327 Filed 7-18-86; 8:45 am]
 BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Availability of Environmental Assessment and Finding of No Significant Impact; Pacific Power & Light Co. et al

July 16, 1986

	Project No.
Pacific Power & Light Company...	308-001
Diamond Power Corporation.....	5062-000
City of Augusta, Georgia.....	5772-002
Energenics Systems, Inc.	6036-001
Boulder Hydro	7978-000
Geoffrey Shadroui.....	8284-001
Fallon Hydro, Inc.	8877-000
Halifax County & Banister Hydro Associates & Syner- gics, Inc.	9028-000
Montana Power Company	2543-004

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal

Energy Regulatory Commission
(Commission), has reviewed the

applications for major and minor
licenses (or exemptions) listed below

and has assessed the environmental
impacts of the proposed developments.

Project No.	Project name	State	Water body	Nearest town or county	Applicant
Licenses					
308-001	Wallowa Falls	OR	East Fork Wallowa River	Joseph	Pacific Power and Light Co.
5062-000	Quinebaug-Five Mile Pond	CT	Quinebaug & Five Mile Rivers	Brooklyn & Killingly	Diamond Power Corp.
5772-002	Augusta Canal	GA	Augusta Canal	Augusta	City of Augusta, GA
6036-001	Nimrod Dam	AR	Fourche La Pave River	Plainview	Energenics Systems, Inc.
7978-000	Boulder Hydro	MT	Boulder & Cooper Creeks	Maxville	Boulder Hydro
8284-001	Stevens #1	VT	Stevens Branch of the Winooski River	Barre	Geoffrey Shadroui
8877-000	Erie Canal Lock 29	NY	Erie Canal	Village of Palmyra	Fallon Hydro, Inc.
9028-000	Halifax Hydro	VA	Banister River	Halifax	Halifax County and Banister Hydro Associates and Synergics, Inc.
Amendments					
2543-004	Milltown Dam	MT	Blackfoot & Clark Fork Rivers	Milltown	Montana Power Co.

Environmental Assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared. Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 86-16310 Filed 7-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-7004-039, et al.]

**Pennzoil Co.; Applications for
Certificates, Abandonments of Service
and Petitions To Amend Certificates¹**

July 18, 1986.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

applications should on or before July 31, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price for Mcf	Pressure base
G-7004-039, C, June 26, 1986	Pennzoil Company, P.O. Box 2967, Houston, Texas 77252-2967.	Consolidated Gas Transmission Corp., Certain acreage in West Virginia.	(1)	
C166-129-002, D, June 27, 1986	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	El Paso Natural Gas Company, Basin Dakota Field, San Juan County, New Mexico.	(2)	
C167-822-000, D, June 27, 1986	do	Southern Union Production Company, Basin Dakota Field, San Juan County, New Mexico.	(3)	
C168-966-001, B, June 20, 1986	do	Panhandle Eastern Pipe Line Company, Dover-Hennessey Field, Kingfisher, Logan, Blaine, and Garfield Counties, Oklahoma.	(4)	
C175-248-000, D, June 30, 1986	do	Panhandle Eastern Pipeline Company, Mocane-Laverne Gas Area, Beaver County, Oklahoma.	(5)	
C177-4-001, D, June 30, 1986	do	El Paso Natural Gas Company, Blanco and San Juan Fields, San Juan County, New Mexico.	(6)	
C182-293-002, B, June 30, 1986	do	ANR Pipeline Company, Laverne Field, Harper County, Oklahoma.	(7)	
C182-293-003, B, June 30, 1986	do	do	(8)	
C169-958-002, D, June 30, 1986	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Southern Natural Gas Company, Bayou Bouillon Field, St. Martin Parish, Louisiana.	(9)	
C183-20-002, D, June 20, 1986	Union Exploration Partners, Ltd., P.O. Box 7600, Los Angeles, Calif. 90051.	United Gas Pipe Line Company, Block 32 Eugene Island Area, Offshore Louisiana.	(10)	
C186-533-000, B, June 23, 1986	E. Davison Hardman, Box 48A, St. James Drive, Clarksburg, W. Va. 26301.	Consolidated Gas Transmission Corp., Kincheloe Field, Lewis County, West Virginia.	(11)	
C186-536-000 (C175-73), B, June 26, 1986	Mitchell Energy Corporation, P.O. Box 4000, The Woodlands, Texas 77387-4000.	Transcontinental Gas Pipe Line Corp. Block 22-L Field, Jefferson County, Offshore Texas.	(12)	
C186-538-000, F, June 27, 1986	Mobil Oil Corporation (Succ. in interest to R.W. Langa), Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	Northern Natural Gas Company, Hugoton Field, Seward County, Kansas.	(13)	

Docket No. and date filed	Applicant	Purchaser and location	Price for Mcf	Pressure base
CI86-539-000, F, June 27, 1986	Mobil Oil Corporation (Succ. in Interest to R.W. Lange), Nine Greenway Plaza—Suite 2700, Houston, Texas 77046.	K N Energy Inc., Hugoton Field, Finney County, Kansas.	(13)	
CI86-540-000, F, June 27, 1986	do	Northern Natural Gas Company, Hugoton Field, Finney County, Kansas.	(13)	
CI86-541-000, F, June 27, 1986	do	K N Energy Inc., Hugoton Field, Finney County, Kansas.	(13)	
CI86-542-000, F, June 27, 1986	do	Northern Natural Gas Company, Hugoton Field, Stevens County, Kansas.	(13)	
CI86-543-000, F, June 27, 1986	do	Colorado Interstate Gas Corporation, Hugoton and Panoma Fields, Grant, Haskell, and Finney Counties, Kansas.	(13)	
CI86-562-000, B, July 2, 1986	Alan Gable Oil Development, P.O. Box 166, Davisville, W. Va. 26142.	Consolidated Gas Transmission Corp., Burning Springs Field, Ritchie County, West Virginia.	(15)	
CI77-769-001, D, July 7, 1986	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	United Gas Pipe Line Company, Bethany Field, Harrison and Panola Counties, Texas.	(16)	
G-18549-001, D, June 20, 1986	do	Northern Natural Gas Company, Tubb and Blinberry Fields, Lea County, New Mexico.	(17)	
CI62-1251-001, D, June 24, 1986	do	Arkla Energy Resources, Red Oak Field, Latimer County, Oklahoma.	(18)	
CI72-176-001, D, June 25, 1986	do	Northern Natural Gas Company, Ozona Field, Crockett County, Texas.	(18)	
CI78-416-003, D, June 24, 1986	do	El Paso Natural Gas Company, S.W. Cheyenne Field, Roger Mills County, Oklahoma.	(20)	
G-3240-001, D, June 26, 1986	do	Northern Natural Gas Company, Division of Inter-North, Inc., Blinberry and Tubb Fields, Lea County, New Mexico.	(21)	
CI78-1203-002, D, June 24, 1986	do	Colorado Interstate Gas Company, Great Divide Creek Field, Moffat County, Colorado.	(7)	
G-17385-001, D, June 26, 1986	do	El Paso Natural Gas Company, Aztec (Pictured Cliffs) Field, San Juan County, New Mexico.	(3)	
CI66-129-001, D, June 23, 1986	do	El Paso Natural Gas Company, Basin Dakota Field, San Juan County, New Mexico.	(22)	
G-8712-001, D, June 26, 1986	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, Okla. 74102.	United Gas Pipe Line Company, Crescent Farms Field, Terrebonne Parish, Louisiana.	(23)	
CI72-660-001, D, June 25, 1986	Conoco Inc., P.O. Box 2197, Houston, Texas 77252.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Sarco Creek Field, Goliad County, Texas.	(24)	

¹ Applicant is filing under Gas Purchase Contract dated 8-19-76, amended by Amendment dated 4-8-86.
² Property sold to Sunland Oil Company and Canfield Oil and Gas Properties, Inc.
³ Property sold to Sunland Oil Company.
⁴ Property sold to Post Oak Oil Company.
⁵ Property sold to Sand Creek Production Company.
⁶ Property sold to Gila/Hansen.
⁷ Property sold to Childress Royalty Company.
⁸ Property sold to Barnes Petroleum, Inc.
⁹ Deletion of acreage. Applicant no longer holds an interest in the leases involved. Lease had expired and there was no production at time of surrender.
¹⁰ Reserves depleted below the 12,500 Foot Sand, which is the depth limitation specified in the dedication to the rollover contract dated 2-14-86. Wells which formerly produced below the 2,500 Foot Sand have been recompleted in shallower formations covered by the rollover contract.
¹¹ Lack of production.
¹² Reserves depleted, all wells plugged and abandoned and contract terminated.
¹³ By five assignments dated 7-25-85, but effective 7-1-85, R.W. Lange conveyed certain interests in 5 counties in Kansas to Mobil.
¹⁴ Not used.
¹⁵ No volume.
¹⁶ Property sold to Maurice L. Brown Company.
¹⁷ Properties sold to John H. Hendrix Corporation.
¹⁸ Property sold to Amoco Production Company.
¹⁹ Assignment to Petroleum Equities Corporation.
²⁰ Property sold to G.J.M., A Partnership.
²¹ Property sold to American International Energy Corporation.
²² Assignment to Unit Drilling & Exploration Company.
²³ 17 leases were terminated on 1-31-80.
²⁴ Two leases were not acquired by Conoco in the San Jacinto Merger and were erroneously included under Conoco's Certificate and Rate Schedule.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

FR Doc. 86-16311 Filed 7-18-86; 8:45 am
BILLING CODE 6717-01-M

Docket Nos. CI86-278-000 and CI86-296-001

Transcontinental Gas Pipe Line Corporation and Transco Gas Supply Co.; Amendment to Application for Blanket Limited-Term Abandonment and Blanket Limited-Term Certificate of Public Convenience and Necessity
July 15, 1986

Take notice that on July 9, 1986, Transcontinental Gas Pipe Line Corporation and Transco Gas Supply Company (herein together referred to as Transco"), both at P.O. Box 1396, Houston, Texas 77251, filed with the

Commission an amendment to the applications filed in the above-captioned proceeding on March 18, 1986, and March 20, 1986, as supplemented on March 27, 1986. 51 FR 12,197 (April 9, 1986).

In its applications, Transco seeks limited-term abandonment and sales authority with respect to all jurisdictional gas on Transco's system in order to avoid or mitigate a serious situation facing Transco's jurisdictional producer-suppliers who produce "protected" volumes (e.g., drainage, casinghead and marginal well gas) and other producer-suppliers of jurisdictional gas which, due to a dramatic decline in market demand, are producing gas at substantially reduced levels.

At the time of the filing of the original applications, Transco was involved in settlement negotiations with its customers, the Commission Staff, and other interested parties regarding the settlement of certain proceedings and the implementation of "open access" transportation on the Transco system, under Order Nos. 436 and 436-A. Such negotiations culminated in the filing on March 28, 1986, of an offer of settlement, which was subsequently revised by a filing on May 13, 1986. The March 28, 1986 offer of settlement was accompanied by companion applications for abandonment and sales certificate authority in Docket Nos. CI86-287-000 and CI86-293-000, respectively. These applications seek permanent authorizations for producer-

suppliers with whom Transco concludes settlements and/or contract revisions providing for, among other things, take-or-pay relief and market responsive contract provisions. Transco states that the referenced applications requested interim authorization to be effective until such times as the abandonment application filed with Transco's settlement could be approved or until July 1, 1986, whichever occurred first.

According to Transco, the passage of time has made it necessary to file the subject amendment to the applications in order to extend the term of the requested authorizations until such time as the applications for permanent authority submitted in conjunction with the settlement are approved and made effective, or until March 31, 1987, whichever first occurs. Transco further states that the passage of time has not diminished the need for the authorizations requested in the applications.

Transco states that Section IV of the original applications sets out in some detail the urgent situation existing on Transco's system. Transco states that the drop in Transco's sales that was originally anticipated has become a reality. Transco's CD sales averaged only 622 Mdt per day, 443 Mdt per day and 810 Mdt per day for the months of April, May and June 1986, respectively. Transco states that although customers nominations for injections into storage, particularly in June 1986, have served to lessen the reduction in sales, Transco's CD sales for the week that ended July 6, 1986, averaged only approximately 725 Mdt per day.

Against the backdrop of what Transco represents to be a drastic reduction in CD sales, Transco states that gas deliverability of approximately 4.2 MMcf per day is committed under contracts to Transco. Transco has, since filing its applications, notified its producer-suppliers of the actions which are necessary for Transco to take to further reduce its purchases for system supply. To this point, Transco states it has avoided shutting in production insofar as possible by releasing gas back to its producer-suppliers or assigning gas for sale to third parties, to the extent permitted by existing authority, and by continuing to take into its system greater quantities of gas than it is selling to its customers. Transco states that cannot continue indefinitely. Transco states that it is therefore imperative, in order to avoid the possibility of sustained harm to Transco's producer-suppliers, that the Commission act swiftly and favorably with regard to the applications so as to

enable Transco producer-suppliers to make direct sales of jurisdictional gas supplies to third party purchasers at market responsive prices.

Transco further states that during the pendency of the applications, Transco has continued to enter into settlements and contract revisions with its producer-suppliers, the implementation of which depend on such producer-suppliers' ability to take advantage of the abandonment and resale authority requested in the applications, as amended. In addition, Transco states it has notified its customers, producer-suppliers and shippers that it intends to provide "open access" transportation under Order Nos. 436 and 436-A on an interim basis, assuming certain conditions are fulfilled and assuming that the necessary authority is received from the Commission. In order for its customers and producer-suppliers to take full advantage of this action, Transco states that it is essential that the authorizations requested in the subject applications be granted so that the maximum amount of gas can be made available for direct sales at market responsive prices.

The circumstances presented in Transco's amendment to its applications meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's rules as promulgated by Order Nos. 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the amendment which is on file with the Commission and available for public inspection.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before 7 days after the date of publication of this notice in the *Federal Register*, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16312 Filed 7-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-105-001]

ANR Pipeline Co.; Compliance Filing

July 15, 1986.

Take notice that on July 2, 1986, ANR Pipelining Company (ANR) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1-A:

Substitute Original Sheet No. 5
Substitute Original Sheet No. 11
Substitute Original Sheet No. 12
Substitute Original Sheet No. 13
Substitute Original Sheet No. 32
Substitute Original Sheet No. 33
Substitute Original Sheet No. 34

According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until July 10, 1986.

ANR states that this filing is submitted under protest to comply with Ordering paragraph (B) of the Commission order issued June 27, 1986, in Docket No. RP86-105-000, directing ANR to refile Original Tariff Sheet Nos. 5, 6, 11 and 32 to reflect the elimination of the gathering area Reservation Rate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before July 22, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 86-16306 Filed 7-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. C186-561-000 and C186-566-000¹]

Cities Service Oil and Gas Corp.; Application

July 16, 1986.

Take notice that on July 1 and 9, 1986, Cities Service Oil and Gas Corporation

¹ C186-561-000 pertains to the application for sales authorization with pre-granted abandonment and C186-566-000 pertains to the application for abandonment authorization.

("Cities" or "Applicant"), 110 West 7th Street, Tulsa, Oklahoma, 74119, filed an application requesting that the Commission issue an order granting Cities the necessary limited-term blanket authority (1) to abandon temporarily certificated sales for resale in interstate commerce of certain gas subject to the Commission's NGA jurisdiction, listed on Appendix "A" of the application, which is produced by Cities to the extent that such gas is released by United Gas Pipe Line Company ("United"), (2) to make sales for resale in interstate commerce of the released gas; and (3) to abandon, pursuant to pre-granted abandonment authority, any sale for resale of the gas. Cities requests the authority described in its application for at least two and one half (2½) years, commencing the date on which Cities' application is

granted. Cities further requests that the Commission consider the application on an expedited basis in accordance with Order No. 436 issued in Docket No. RM85-1-000, since Cities reports that it is experiencing substantially reduced takes of gas by United without payment.

Cities states that the authority requested in its application will permit Cities to make spot sales of gas produced from certain supply sources at market responsive prices. The gas for which Cities seeks abandonment and sales authority qualifies for the NGPA section 102(d), 104, 106(a), 108 and 109 ceiling prices.

Any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the Federal Register file with the Federal Energy Regulatory

Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

APPENDIX A

Docket No.	Rate schedule No.	Seller	Field location	Purchaser	Contract No.	GPC No.	Applicable price(s)
C186-344	Pending.....	CSOG *	High Island Blk. 499.....	United.....	03-31-82	7848	102(d)
G-14232	106.....	CSOG	Lewisburg South Field.....	do.....	09-24-82	8313	106(a)
G-3031	357.....	CSOG	Carthage Field.....	do.....	01-19-83	8539	106(a)
G-12852	369.....	CSOG	Lepeyrouse.....	do.....	03-01-86	8999	104
G-8712	383.....	CSOG	Crescent Farms.....	do.....	03-01-86	8990	106(a)
C172-588	385.....	CSOG	Logansport Field.....	do.....	01-01-72	5206	104
C172-725	387.....	CSOG	Willow Springs Field.....	do.....	04-26-72	5256	104
C175-327	414.....	CSOG	W. Cameron Blk. 587.....	do.....	10-30-74	5758	104
C178-717	474.....	CSOG	Dubina South Field.....	do.....	11-10-77	6270	104, 109
G-2712	354.....	CSOG	Duck Lake Field.....	do.....	06-01-79	6706	106(a), 104
G-16563	374.....	CSOG	NW Corpus Christi Bay Area.....	do.....	06-05-79	6707	106(a)
C186-345	Pending.....	CSOG	High Island Blk. 273.....	do.....	09-14-79	6911	109
G-2712	353.....	CSOG	Red Fish Bay—Mustang Island.....	do.....	12-18-79	7003	106(a)
C186-347	Pending.....	CSOG	High Island Blks. 312-313.....	do.....	08-03-79	7006	102(d)

* Cities Service Oil and Gas Corporation.

[FR Doc. 86-16309 Filed 7-18-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP86-92-003]

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

July 16, 1986.

Take notice that on July 10, 1986, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be a part of its FERC Gas Tariff, Original Volume No. 1-A and Original Volume No. 2, the following tariff sheets to be effective on August 1, 1986:

Original Volume No. 1-A

Fourth Revised Sheet No. 201
Alternate Fourth Revised Sheet No. 201
First Revised Sheet Nos. 301 through 304
First Revised Sheet Nos. 311 and 312
Second Revised Sheet Nos. 313 and 314
First Revised Sheet Nos. 321 through 327
First Revised Sheet Nos. 331 through 336
First Revised Sheet Nos. 337 through 340
Original Sheet No. 341

Original Sheet Nos. 342 through 399

Original Sheet Nos. 517 through 523

Alternate Original Sheet Nos. 517

through 523

Original Sheet Nos. 524 Through 600

Original Volume No. 2

Second Revised Sheet No. 2.1

Third Revised Sheet No. 2.3

Northwest states that the purpose of its filing is to place into effect tariff sheets which will be applicable to all Part 284 transportation services to be performed during the extended transition period established for Northwest by the Commission's June 27, 1986 "Order Granting Waivers" in Docket No. CP86-578-000 (the "waiver period"). Northwest states that the tariff sheets are being submitted in alternate forms, in conjunction with Northwest's Petition for Clarification/Rehearing in the instant docket.

Northwest states that it requests the Commission to clarify that Rate Schedule T-6 previously filed on May 30, 1986, applies only to "grandfathered"

transactions under Order No. 436, *et seq.*, and that Rate Schedules T-2, T-3, T-4 and T-5 apply, on a prospective basis, to non-grandfathered waiver period transportation services. Northwest states that it has submitted tariff sheets to bring Rate Schedules T-2, T-3, T-4 and T-5 into compliance with § 284.7 of the Regulations.

Northwest states that it has also filed tariff sheets that would be applicable in the event Northwest's clarification/rehearing is denied. Northwest states that these tariff sheets revise Rate Schedule T-6 filed on May 30, 1986 to apply not only to Part 284 transportation transactions "grandfathered" under Order No. 436, *et seq.*, but also, on a prospective basis, to other Part 284 interruptible transportation services performed during the waiver period.

Northwest further states that the purpose of this filing is to establish Rate Schedule T-7 which applies to Part 284 firm transportation during the waiver period. Northwest submitted alternate forms of service agreements applicable

to new transportation under Rate Schedules T-6 and/or T-7.

Northwest requests waiver of all Commission rules and regulations as may be necessary to permit the tendered tariff sheets to become effective as proposed, and states that copies of the filing have been served upon all of its sales and transportation customers, all affected state regulatory commissions, and all intervenors in Docket No. RP86-92-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before July 23, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-16306 Filed 7-18-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-61-002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

July 16, 1986.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 11, 1986 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, revised tariff sheets as listed in Appendix A attached hereto. The purpose of this filing is to make revisions to Texas Eastern's May 29, 1986 filing with respect to its Contract Adjustment Demand rate in Docket No. RP86-61-001 in accordance with the Commission's June 26, 1986 order.

On March 26, 1986 Texas Eastern filed revised tariff sheets to reflect a revision to the Contract Adjustment Demand rate to incorporate actual costs of facilities in accordance with Article VI of the Offer of Settlement approved by Commission order issued August 15, 1985 in Docket No. CP84-429-001. Such filing was designated Docket No. RP86-61-000. Texas Eastern's March 26, 1986 filing was accepted subject to conditions imposed by Commission order issued May 7, 1986 in Docket No. RP86-61-000.

Ordering Paragraph (A) of the May 7, 1986 order required Texas Eastern to refile its tariff sheets submitted March 26, 1986 within 15 days of the date of issuance of the May 7, 1986 order to reflect a 14.704 percent rate of return as set forth in Texas Eastern's general rate filing in Docket Nos. RP85-177, *et al.* subject to refund. On May 29, 1986, Texas Eastern filed with the Commission the revisions to its March 26, 1986 filing pursuant to the requirements of the Commission's May 7, 1986 order. In addition to such requirements, revisions were made to other cost of service components in order to conform the Contract Adjustment Demand rate not only to the rate of return set forth in Docket Nos. RP85-177 *et al.*, but all other related cost of service components in that Docket. On June 26, 1986, the Commission issued its order rejecting Texas Eastern's May 29, 1986 filing as not being in compliance with Ordering Paragraph (A) of the Commission's May 7, 1986 order in that components of cost of service other than rate of return were revised in Texas Eastern's May 29, 1986 filing. Texas Eastern was directed to comply with the May 7, 1986 order within 15 days of the Commission's order issued June 26, 1986.

In addition to the tariff sheets proposed to be effective as of December 31, 1985, Texas Eastern proposes for filing herein revised tariff sheets amending the Contract Adjustment Demand rate as set forth above on all appropriate tariff sheets filed and made effective subsequent to December 31, 1985. Such tariff sheets are also set forth in Appendix A attached hereto.

The proposed effective dates for the tariff sheets listed in Appendix A are as designated at December 31, 1985, January 1, 1986, February 1, 1986, April 1, 1986, June 1, 1986, June 16, 1986 and July 1, 1986. With the exception of the December 31, 1985 date which is the date previously approved for service to commence under the Contract Adjustment Program, all other proposed effective dates are for corresponding tariff sheets previously approved by the Commission at those dates and are submitted for filing at this time solely to reflect the required revision to the Contract Adjustment Demand rate as discussed above.

The proposed effective dates of the subject tariff sheets are as indicated on Appendix A attached hereto.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 23, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix A

Effective December 31, 1985

Third Substitute Seventy-sixth Revised Sheet No. 14

Third Substitute Seventy-sixth Revised Sheet No. 14A

Third Substitute Seventy-sixth Revised Sheet No. 14B

Third Substitute Seventy-sixth Revised Sheet No. 14C

Third Substitute Seventy-sixth Revised Sheet No. 14D

Effective January 1, 1986

Third Substitute Revised Seventy-sixth Revised Sheet No. 14

Effective February 1, 1986

Fourth Substitute Seventy-seventh Revised Sheet No. 14

Third Substitute Seventy-seventh Revised Sheet No. 14A

Third Substitute Seventy-seventh Revised Sheet No. 14B

Third Substitute Seventy-seventh Revised Sheet No. 14C

Third Substitute Seventy-seventh Revised Sheet No. 14D

Effective April 16, 1986

Third Substitute Seventy-eighth Revised Sheet No. 14

Second Substitute Seventy-eighth Revised Sheet No. 14A

Second Substitute Seventy-eighth Revised Sheet No. 14B

Second Substitute Seventy-eighth Revised Sheet No. 14C

Second Substitute Seventy-eighth Revised Sheet No. 14D

Effective June 1, 1986

Substitute Seventy-ninth Revised Sheet No. 14

Substitute Seventy-ninth Revised Sheet No. 14A

Substitute Seventy-ninth Revised Sheet No. 14B

Substitute Seventy-ninth Revised Sheet No. 14C

Substitute Seventy-ninth Revised Sheet No. 14D

Effective June 1, 1986

Substitute First Revised Seventy-ninth Revised Sheet No. 14

Effective July 1, 1986

Substitute Second Revised Seventy-ninth Revised Sheet No. 14

Substitute First Revised Seventy-ninth Revised Sheet No. 14A

Substitute First Revised Seventy-ninth Revised Sheet No. 14B

Substitute First Revised Seventy-ninth Revised Sheet No. 14C

Substitute First Revised Seventy-ninth Revised Sheet No. 14D

[FR Doc. 86-16307 Filed 7-18-86; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals**Issuance of Decisions and Orders; Week of June 16 through June 20, 1986**

During the week of June 16 through June 20, 1986, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

O.K. Oil and Gas, Inc., Jack D. Pointer, Jr., 6/18/86; KRO-0240

The DOE issued a final Remedial Order to O.K. Oil and Gas, Inc. (O.K. Oil) and its president, Jack D. Pointer, Jr., affirming with modifications a Proposed Remedial Order (PRO) issued to them on November 15, 1985. O.K. Oil and Mr. Pointer had responded to the allegations set forth in the PRO by filing a Notice of Objection setting forth a general denial and statement of interest. However, they failed to file a Statement of Objections or otherwise respond to the precise findings of fact and conclusions of law contained in the PRO. The DOE examined the record and found that the Notice of Objection failed to rebut the prima facie case established by the PRO. Accordingly, the Remedial Order found that O.K. Oil and Mr. Pointer violated 10 CFR Part 212, Subpart D when they sold crude oil produced from the subject property at exempt prices, and required them to refund \$261,495.84 plus interest accrued on that amount to the DOE. The overcharges and interest are to be deposited into a suitable account for ultimate disbursement pursuant to Special Refund Procedures.

Requests for Exception

Burlile Oil Co., 6/17/86; KEE-0022

Burlile Oil Co. filed an Application for Exception in which it sought relief from its obligation to submit Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." After the firm's Application was tentatively denied in a Proposed Decision and Order, the firm filed a

Notice of Objection, which it later withdrew. Accordingly, exception relief was denied. However, the firm was allowed to simplify its reporting by using estimated data.

Champlain Oil Company, Inc., 6/20/86; KEE-0013

Champlain Oil Company, Inc. filed a Statement of Objections to DOE's Proposed Decision and Order tentatively denying relief from the requirement that Champlain file Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering the objections, the DOE found that partial exception relief was appropriate because of the firm's difficulties in extracting data for the form and its temporary personnel shortage. Exception relief was limited to an extension of time for filing the next five reports due to the firm's importance to the survey sample.

Supplemental Orders

Caribou Four Corners, Inc., 6/20/86; KCX-0013; RF171-35

Pursuant to a directive of the Federal Energy Regulatory Commission, the DOE issued an order directing that the DOE Office of the Controller disburse to Caribou Four Corners, Inc. the amount of \$2,134,006, in compensation for an error made in calculating the firm's position on the December 1980 Entitlements Notice.

Sage Creek Refining Company, 6/19/86; HYX-0058

On June 19, 1986, the Department of Energy (DOE) issued a Supplemental Order to an April 11, 1983 Proposed Decision and Order issued to the Sage Creek Refining Co. (Sage Creek). The Supplemental Order was a year-end review of the entitlements relief that Sage Creek had received during the firm's partial 1981 fiscal year. The DOE excluded the month of January 1981 from the review period because of the DOE's decision not to publish the January 1981 entitlements list. The DOE determined that Sage Creek was entitled to additional relief in an amount that would have enabled the firm to achieve its historical profit margin for its partial 1981 fiscal year. The DOE netted that relief against two other entitlements exceptions orders which were previously issued to Sage Creek but not implemented. Sage Creek's final netted receive obligation was determined to be \$57,019, which will be paid to the firm according to the DOE announcement in 50 FR 27403 (1985).

Implementation of Special Refund Procedures

Quarles Petroleum, Inc., Reynolds Oil Company, 6/18/86; HEF-0158; HEF-0164

The DOE issued a Decision and Order implementing a plan for the distribution of \$33,690.23 and \$2,500 received as a result of consent orders which the DOE entered into with Quarles Petroleum, Inc. (Quarles) and Reynolds Oil Company (Reynolds), respectively. The DOE determined that the respective settlement funds should be distributed to customers that purchased Quarles motor gasoline during the period, January 2, 1979, through September 30, 1979, and Reynolds motor gasoline between September 1, 1979, and November 30, 1979. The specific information to be included in

Applications for Refund is set forth in the Decision.

Refund Applications

Aminoil U.S.A., Inc.; William L. Bonnell Company, Inc., et al., 6/20/86; RF139-32 et al.

The OHA issued a Decision and Order concerning 15 Applications for Refund filed by reseller-retailers and ultimate consumers of Aminoil natural gas liquid products for a portion of the consent order fund made available by Aminoil U.S.A., Inc. In its determination OHA found that each applicant had purchased from Aminoil during the consent order period. The reseller-retailer claimants sought refunds at or below the \$5,000 threshold level, and thus were not required to provide a detailed demonstration of injury. The end-user applicants submitted documentation of their purchases and thus qualified for 100 percent of their allocable volumetric share. The total amount of refunds approved in the Decision was \$462,627.

APCO Oil Corporation/G & G Oil Company Inc., Et Al., 6/16/86; RF83-49 Et al.

The DOE issued a Decision and Order concerning four Applications for Refund filed by applicants who had purchased refined petroleum products from Apco Oil Corporation, and sought a portion of the settlement fund obtained by the DOE through a consent order with Apco. See *Apco Oil Corporation*, 12 DOE ¶ 85,149 (1985). Two of the four firms applied for a refund based upon the procedures for filing small claims outlined in *Apco*. The two remaining applicants were eligible to apply for refunds greater than the \$5,000 small claims threshold, but elected to limit their claims to \$5,000 and therefore also followed the small claims procedure. After examining the applications, the DOE concluded that each of the four firms should receive a refund, based on its volumetric per gallon refund amount, as described in the Appendix to the Decision. The total amount of refunds granted was \$19,029.

Champlain Oil Co., Inc./Clarence Kennedy et al., 6/19/86; RF187-1 et al.

The DOE issued a Decision and Order concerning 14 Applications for Refund filed in the Champlain Oil Company, Inc. special refund proceeding. The applicants were all resellers of Champlain motor gasoline whose purchases from the firm entitled them to refunds below the \$5,000 small claim threshold. In its Decision, the DOE granted the 14 applications under the standards specified in *Champlain Oil Co.*, 13 DOE ¶ 85,119 (1985). The refunds granted total \$32,891, representing \$17,894 in principal and \$14,997 in interest.

Consumers Oil Company/Powerline Oil Company, 6/20/86; RF223-1

The DOE denied an Application for Refund filed by Powerline Oil Company in connection with a consent order fund made available by Consumers Oil Company. Powerline, a reseller of refined petroleum products, submitted data showing that it had a "negative" cost bank subsequent to the period in which it purchased diesel fuel from

Consumers. In view of this data, the DOE determined that any overcharges Powerine may have experienced as a result of its purchases of Consumers diesel fuel were passed through to the firm's customers in the form of higher prices. Accordingly, the DOE determined that Powerine was not eligible to receive a refund in the Consumers special refund proceeding.

F.O. Fletcher, Inc./Bestfire Oil Company, 6/20/86; RF172-11

The DOE approved an Application for Refund filed by Bestfire Oil Company in connection with a consent order fund made available by F.O. Fletcher, Inc. Bestfire, a reseller of Fletcher petroleum products, certified that it purchased motor gasoline and middle distillates from Fletcher during the consent order period, requested a refund below the \$5,000 small claims threshold level, and was identified as an allegedly overcharged customer in the Fletcher audit file. In accordance with the procedures established in the Fletcher special refund proceeding, the DOE determined that Bestfire should receive a refund based on a prorated portion of the alleged Fletcher overcharges. The total refund amount approved in this Decision is \$80 (\$41 principal plus \$39 interest).

F.O. Fletcher, Inc./Crown Oil Company, Joe B. Young, Peter Willden, 6/16/86; RF172-30; RF172-31; RF172-32

The DOE approved Applications for Refund filed by three resellers, Crown Oil Company, Joe B. Young, and Peter Willden, in connection with a consent order fund made available by F.O. Fletcher, Inc. Each applicant provided documentation of its purchase volumes of Fletcher products, requested a refund below the \$5,000 small claims threshold level, and was identified as an allegedly overcharged customer in the Fletcher audit file. In accordance with the procedures established in the Fletcher special refund proceeding the DOE determined that each applicant should receive a refund based on a prorated portion of the alleged Fletcher overcharges. The total amount of refunds approved in this Decision is \$6,385 (\$3,281 principal plus \$3,104 interest).

Gulf Oil Corporation/Eureka Gulf, Et al., 6/20/86; RF40-02288, et al.

The DOE issued a Decision and Order concerning 10 Applications for Refund filed by retailers of Gulf Oil Corporation petroleum products. Each firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048, governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, each firm demonstrated that during part of the August 1973-January 1976 consent order period, it would not have been required to pass through to customers a cost reduction equal to the refund claimed. The DOE therefore approved for the 10 applicants a total refund of \$2,364 (\$1,976 principal plus \$388 interest).

Gulf Oil Corporation/Hays, Bleakley & Tobin, Inc., 6/20/86; RF40-3108

The DOE issued a Decision and Order concerning an Application for Refund filed by

Hays, Bleakley & Tobin, Inc., a retailer of Gulf Oil Corporation covered refined petroleum products and natural gas liquid products. Hays applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984). The refund granted in this Decision is \$5,586 principal and \$1,145 interest.

Gulf Oil Corporation/Kenneth H. Mattis, Inc., 6/18/86; RF40-00068

The DOE issued a Decision and Order concerning an Application for Refund filed by Kenneth H. Mattis, Inc., a retailer of Gulf Oil Corporation petroleum products. The firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, Mattis presented information regarding its profit margins on Gulf product sales during the August 1973-January 1976 consent order period, in an attempt to demonstrate that the firm would not have been required to pass through to customers a costs reduction equal to the refund claimed. After examining Mattis' submissions, the DOE concluded that the firm had made the required showing for the period January 1974 through January 1976. The DOE therefore approved a refund of \$32,744 (\$27,381 principal plus \$5,363 interest), based on Mattis' Gulf product purchases in those months.

Gulf Oil Corporation/Prater Oil Co., 6/16/86; RF40-1020

The DOE issued a Decision and Order concerning an Application for Refund filed by Prater Oil Company, a consignee of Gulf motor gasoline, on the basis of the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984). Prater, who is located in Tennessee, demonstrated that the state's overall gasoline consumption during the consent period increased 13.45 percent, while its own total sales volume of gasoline during that period declined 17.38 percent. The DOE therefore determined that Prater was injured by Gulf's allegedly uncompetitive prices. Prater's refund was calculated by multiplying the 23,761,495 gallons of gasoline Gulf consigned to Prater during the consent order period, Prater's 30.83 percent loss of potential sales, and the Gulf volumetric refund amount of \$0.00122 per gallon. Accordingly, the firm received a refund of \$4,208 principal and \$862 interest.

Husky Oil Company/Montana Petroleum Marketing Company, 6/18/86; RF161-3

The DOE issued a Decision and Order concerning an Application for Refund filed by Montana Petroleum Marketing Company (MPMC). The applicant had purchased refined petroleum products from Husky Oil Company, and sought a portion of the settlement fund obtained by the DOE through a consent order with Husky. The firm applied for a refund based on its purchases of 64,771,535 gallons of Husky products and the procedures outlined in *Husky Oil Company*, 13 DOE ¶ 85,045 (1985). Although MPMC presented reconstructed cost banks which showed that it could have absorbed all the alleged Husky overcharges, comparison of

the prices MPMC paid Husky with the average market prices in MPMC's region demonstrated that MPMC was entitled to a refund for only 47,746,462 gallons of its purchases from Husky. Accordingly, the total refund granted to MPMC was \$31,417, representing \$21,772 in principal and \$9,645 in accrued interest.

Kansas-Nebraska Natural Gas Company/Little America Refining Co., 6/19/86; RF113-2

Little America Refining Co. (Larco) filed an Application for Refund, seeking a portion of funds remitted by Kansas-Nebraska Natural Gas Company pursuant to a consent order that Kansas-Nebraska entered into with the DOE. Larco purchased 45,702,299 gallons of natural gas liquid products from Kansas-Nebraska during the consent order period. The DOE found that for a major portion of the NGLPs that Larco purchased, Larco was charged prices below the average market price levels. As a result, Larco obtained a substantial cost benefit. Considering the competitive advantage that Larco enjoyed from its purchases from Kansas-Nebraska, the DOE limited the refund to Larco to an amount equal to the number of gallons that Larco purchased at above market prices multiplied by the per gallon volumetric refund amount. The total amount of refund granted to Larco was \$565,011.00 which includes \$294,153.29 in principal and \$270,857.71 in accrued interest.

MAPCO, Inc./Center Oil Co., Inc., 6/16/86; RF109-13

Center Oil Co., Inc. (Center Oil) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with MAPCO, Inc. (MAPCO). Center Oil demonstrated that it purchased 1,307,969 gallons of liquefied petroleum gas from MAPCO during the consent order period. Using a volumetric methodology, the DOE determined that Center Oil's claim was below the presumption of injury threshold refund level of \$5,000. The DOE therefore granted Center Oil a refund of \$2,354.34 in principal and \$1,846.38 in accrued interest for a total refund of \$4,200.72.

MAPCO, Inc./Vanguard Petroleum Corporation, 6/16/86; RF108-11

Vanguard Petroleum Corporation (Vanguard) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with MAPCO, Inc. (MAPCO). The DOE found that Vanguard demonstrated that it purchased MAPCO propane, butane and natural gasoline during the consent order period and that Vanguard was injured by those purchases. Using a three-step competitive disadvantage methodology, the DOE calculated a range of Vanguard's competitive disadvantage. A refund of \$109,009.83 was found to equitably compensate Vanguard for any harm experienced as a result of MAPCO's alleged overcharges. In addition, the firm received accrued interest of \$85,406.08 for a total refund of \$194,415.91.

Mobil Oil Corp./Sisters of St. Joseph et al., 6/18/86; RF225-1047 et al.

The Office of Hearings and Appeals granted 35 Applications for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to the amount of their documented purchase volumes times 100 percent of the per gallon volumetric refund amount. The total amount of the refunds granted was \$3,171, consisting of \$2,723 in principal plus \$448 in interest.

Sid Richardson Carbon and Gasoline Company and Richardson Products Company/Jones Gas Service, 6/16/86; RF26-36

The DOE issued a Decision and Order granting a refund from the Sid Richardson Carbon & Gasoline Company and Richardson Products Company deposit escrow account to Jones Gas Service, a retailer of Sid Richardson propane. The applicant sought a refund based on purchase amounts that fell within the small claims purchase threshold established for Sid Richardson applicants. Therefore, the DOE did not require a detailed showing of injury, and granted Jones Gas Service a refund of \$16,191, representing \$8,482 principal and \$7,709 in interest.

Standard Oil Co. (Indiana)/Indiana Pennzoil Co./Indiana, 6/17/86, RM21-25 RM10-26

The Office of Hearings and Appeals (OHA) issued a Decision and Order approving the State of Indiana's Motion to Modify its second-stage refund plan which the OHA approved in earlier decisions for portions of the Standard Oil Co. (Indiana) (Amoco) and Pennzoil Co. escrow funds allotted to the state. Indiana was granted permission to use \$77,438.39 of the Amoco funds which it has received and \$35,386 plus interest of Pennzoil funds for a Big City Residential Energy Management Program.

Union Texas Petroleum Corporation/Petroleum Supply Inc., 6/18/86; RF140-43

The DOE issued a Decision and Order concerning an Application for Refund filed by Petroleum Supply, Inc. (PSI) in the Union Texas Petroleum Corporation (UTP) special refund proceeding. In its application, PSI requested that the DOE disburse the balance of a refund granted in an earlier decision. That balance had been placed in a special escrow account pending the resolution of an enforcement proceeding involving PSI. In view of the execution of a consent order resolving the enforcement proceeding, the DOE granted the firm's application and transferred the consent order amount, \$100,000, from the escrow account to the PSI consent order account, and disbursed the balance of the escrow account, \$255,273, directly to the firm.

VGS Corporation/South Mississippi Electric Power Association, 6/20/86; RF191-5

The DOE issued a Decision and Order concerning an Application for Refund filed by the South Mississippi Electric Power Association (SMEPA), an organization of member-owned electric power cooperatives. SMEPA filed its application following the

procedures established in VGS Corporation, 13 DOE ¶ 85,165 (1985), governing the disbursement of settlement funds received from VGS pursuant to a 1981 consent order. SMEPA sought a refund based on its purchases of regulated petroleum products from VGS during the consent order period, December 1973 through January 1981. In accordance with the refund procedures, SMEPA certified that any refund received would be passed through to its member cooperatives through credits against fuel costs. SMEPA therefore was not required to supply any detailed showing of injury from VGS' alleged overcharges, and the DOE approved a refund of \$134,198 (\$84,293 principal plus \$49,905 interest).

Dismissals

The following submissions were dismissed:

Name and Case No.

A.T. Wagner Co.—RF225-2669
A-1 Remanufacturing Inc.—RF225-2938
Allis-Chalmers Corp.—RF225-2639
Amerex Corp.—RF225-2654
American Manufacturing Co., Inc.—RF225-2632
American Printers & Lithographers, Inc.—RF225-2957
Bedle's Gulf—RF40-1834
Bronx Community College—RF225-7953
Buckeye Molding Co.—RF225-2641
Capitol Buick—GMC—RF213-47
Center Line Tool Corp.—RF225-2656
City of Fulton—RF176-1
City of Stafford—RF225-3212
City of San Saba—RF225-2678, RF225-2679
RF225-2680
Clark Motor Company—RF213-191
Clover Wire Forming Co.—RF225-2852
Coast Marine & Industrial Supply Inc.—RF225-2655
Colorado Petroleum Products Company—RF225-2673
Community Distributors Inc.—RF213-62
Cornell Pump Co.—RF225-2653
Cranston Print Works Co.—RF225-3188, RF225-3189
Fablok Mills, Inc.—RF225-2830
First Tennessee Bank National Association—RF225-2668
Fleetwood Homes of Calif., Inc.—RF115-2661
Ford Products Corp.—KEE-0019, KEL-0019
Frank Cafaro—RF225-2640
Frich Construction—RF213-72
Granite Oil Trust No. 2—RF225-3202, RF225-3203, RF225-3204
H.P. Safe Cutting Tool Mfg. Company—RF225-2634
Hart Schaffner & Marx—RF225-2667
Hirschmann Corp.—RF225-3003
Honeywell, Inc.—RF225-3214
I. Mathews and Bros.—RF225-2663
Ignatius Retreat House—RF225-2839
Indiana Materials Handling Products, Inc.—RF225-2800
Insul Fab Plastics, Inc.—RF225-2657
J. Rich Steers, Inc.—RF225-3209
James Simmons—RF172-29
Lee Auto Supply—RF213-165
Lewis Gulf—RF40-2438
Lube King—RF213-122
Mail-Well Envelope—RF225-2850
Mak Corp.—RF213-63
Mar-Oil Hydraulics, Inc.—RF225-2854

Milwaukee School of Engineering—RF225-2658

Modern Hard Chrome Service Company—RF225-2836

Molded Fiber Glass Co.—RF225-2649

Monitor Aerospace Corp.—RF225-2672

Monnier, Inc.—RF225-2838

Monsanto Company—RF225-2670

Nicolai Company—RF225-2671

Preco Equipment Co.—RF225-2650

Port Washington Union Free School District—RF225-3207

Sheel Lumber & Supply Corp.—RF225-2815

Sim J. Harris Company—RF225-2935

The Leithiser Company, Inc.—RF225-2831

Thihodeaux's Gulf—RF40-1915

Thihodeaux's Gulf—RF40-2917

Thompson's Gas—RF21-12614

Vee-Ess Engineering, Inc.—RF225-2660

VP Lincoln Mercury—RF213-104

Welliever Construction Co., Inc.—RF225-3184, RF225-3185

Wiedemann Division—RF225-2631

Willows Unified School District—RF225-3134

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 15, 1986.

[FR Doc. 86-16290 Filed 7-18-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59776; FRL-3052-3]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). In the *Federal Register* of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA

published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of nine such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 86-183, 86-184, 86-185, 86-186, 86-187 and 86-188; July 23, 1986.

Y 86-189, 86-190 and 86-191; July 27, 1986.

FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacture on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-183

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Y 86-184

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic copolymer.
Use/Production. (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Y 86-185

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic copolymer.
Use/Production. (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Y 86-186

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Site-limited and industrial coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Y 86-187

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Site-limited and industrial coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Y 86-188

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic copolymer.
Use/Production. (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Y 86-189

Manufacturer. Confidential.
Chemical. (G) Modified tall oil alkyd.
Use/Production. (S) Site-limited resin intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-190

Manufacturer. Confidential.
Chemical. (G) Styrenated/acrylate alkyd.
Use/Production. (S) Industrial, commercial and consumer base resin for aerosol paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-191

Manufacturer. Confidential.
Chemical. (G) Hydroxy functional acrylic copolymer.
Use/Production. (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: inhalation, a total of 1 worker.
Environmental Release/Disposal. No data submitted.

Dated: July 14, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86-16298 Filed 7-18-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59224; FRL-3052-2]

Certain Chemicals Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of three applications for exemption, provides a summary, and requests comments on the appropriateness of granting each exemption.

DATE: Written comments by: August 5, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59224]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86-50

Close of Review Period: August 22, 1986.

Manufacturer: Confidential.
Chemical: (G) Anionic polymer.
Use/Production: (S) Textile finish.
Prod. range: Confidential.
Toxicity Data: Irritation: Skin-Moderate; Acute dermal: 2,000 mg/kg; Ames test: Non-mutagenic.
Exposure: Confidential.
Environmental Release/Disposal: Confidential.

T 86-51

Close of Review Period: August 22, 1986.

Manufacturer: Confidential.
Chemical: (G) Anionic substituted aromatic.
Use/Production: (G) Fibers finish component. Prod. range: Confidential.
Toxicity Data: No data submitted.
Exposure: Confidential.
Environmental Release/Disposal: Confidential.

T 86-52

Close of Review Period: August 22, 1986.

Manufacturer: Confidential.
Chemical: (G) Anionic substituted aromatic.
Use/Production: (G) Fibers finish component. Prod. range: Confidential.
Toxicity Data: No data submitted.
Exposure: Confidential.
Environmental Release/Disposal: Confidential.
Dated: July 11, 1986.

Denise Devoe,
Acting Division Director, Information Management Division.
[FR Doc. 86-16297 Filed 7-18-86; 8:45 am]
BILLING CODE 6560-50-M

[OPTS-59223A; FRL-3052-1]

Certain Chemicals Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: This notice announces EPA's approval of applications for test marketing exemptions (TMEs) under section 5(h)(6) of the Toxic Substances Control Act (TSCA), TME-86-48 and TME-86-49. The test marketing conditions are described below.

EFFECTIVE DATE: July 11, 1986.

FOR FURTHER INFORMATION CONTACT: R. James Alwood, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental

Protection Agency, Rm. E-613C, 401 M St. SW., Washington, DC 20460, (202-382-3374).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME-86-48 and TME-86-49. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications, and for the time period and restrictions (if any) specified below, will not present any unreasonable risk of injury to health or the environment. Production volumes must not exceed those specified in the applications. All other conditions and restrictions described in the applications and in this notice must be met.

The following additional restrictions apply to TME-86-48 and TME-86-49. A bill of lading accompanying each shipment must state that use of the substances is restricted to that approved in the TMEs. In addition, the Company shall maintain the following records until five years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substances produced.
2. The applicant must maintain records of the dates of shipment to each customer and the quantities supplied in each shipment.
3. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substances.

86-48.

Date of Receipt: June 2, 1986.
Notice of Receipt: June 16, 1986 (51 FR 21797).

Applicant: Confidential.
Chemical: (G) Substituted benzenesulfonamide.
Use: (G) Component of a vehicle used in a printing ink.
Production Volume: 370 kilograms.

Number of Customers: Confidential.
Worker Exposure: Manufacturing: dermal, a total of 2 workers, 5 hours/day for 2 days/year each. Use: Confidential.
Test Marketing Period: Six months.
Commencing on: July 11, 1986.
Risk Assessment: EPA identified no significant concerns for human health. Therefore, the test market substance will not present any unreasonable risk of injury to health. EPA has identified potential environmental concerns. However, estimated releases of the test market substance will not present any unreasonable risk of injury to the environment.

Public Comments: None.

86-49.

Date of Receipt: June 2, 1986.
Notice of Receipt: June 16, 1986 (51 FR 21797)

Applicant: Confidential.
Chemical: (G) Substituted benzenesulfonyl chloride.
Use: (G) Site-limited intermediate.
Production Volume: 460 kilograms.
Number of Customers: Confidential.
Worker Exposure: Manufacturing: dermal, a total of 2 workers, 8 hours/day, 1 day/year.
Test Marketing Period: Six months.
Commencing on: July 11, 1986.
Risk Assessment: EPA identified no significant concerns for human health effects. Therefore, the test market substance will not present any unreasonable risk of injury to health. EPA has identified potential environmental concerns. However, estimated releases of the test market substance will not present any unreasonable risk of injury to the environment.

Public Comments: None.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: July 11, 1986.
Edwin F. Tinsworth,
Acting Director, Office of Toxic Substances.
[FR Doc. 86-16299 Filed 7-8-86; 8:45 am]
BILLING CODE 6560-50-M

[OPPE-FRL-3051]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) requires the Agency to publish in the Federal Register a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICRs are available for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, (202) 382-2740 or FTS 382-2740.

SUPPLEMENTARY INFORMATION:**Office of Air and Radiation**

Title: Pre-Certification Exemption; Testing Exemption. (EPA ICR #0095). (This is a reinstatement of a formerly approved ICR; no changes are proposed.)

Abstract: Manufacturers of certain motor vehicles and/or parts, fuel refiners, and others who wish to operate uncertified motor vehicles or engines on public roads for testing purposes must obtain per-certification or test exemptions and/or maintain records and file reports on actual testing.

Respondents: Manufacturers of new motor vehicles, engines, or parts; fuel refiners or manufacturers in the business of importing, modifying, or testing uncertified vehicles for resale.

Title: Survey of Residential Wood Usage and Other Sources of Air Pollution (EPA ICR #1302). (This is a new collection.)

Abstract: This research survey of residential wood usage and other sources of air pollution in Boise, Idaho, is designed to test methodology for evaluating carcinogenicity of ambient air relative to known carcinogenic mixtures by using bioassays. EPA needs to perform research on the carcinogenic potential of the chemicals found in the atmosphere. The important carcinogenes will be identified and the emission sources of greatest potential risk to the general population will be studied.

Respondents: Individuals in Boise, Idaho.

Agency PRA Clearance Requests Completed by OMB

EPA ICR #0811, Unsaturated Zone Monitoring at Hazardous Waste Land Treatment Facilities, was approved 6/30/86 (OMB #2050-0038; expires 6/30/89).

EPA ICR #0938, General Regulation for Assistance Programs, was approved

6/27/86 (OMB #2030-0020; expires 7/31/89).

EPA ICR #1296, Radon Information Effectiveness Survey, was approved 5/15/86 (OMB #2010-0014; expires 5/31/88).

EPA ICR #1300, Request for Information on Solid Waste Management Units, was approved 6/30/86 (OMB #2050-0059; expires 11/30/88).

EPA ICR #1301, Love Canal Habitability Study—Pilot Air Sampling Survey, was approved 6/30/86 (OMB #2050-0058; expires 6/30/87).

Comments on all parts of this notice may be sent to:

Nanette Liepman, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), Information and Regulatory Systems Division, 401 M Street, SW., Washington, DC 20460

and

Wayne Leiss (ICR #0095), or Rick Otis (ICR #1302), Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, DC 20503

Dated: July 14, 1986.

Daniel J. Fiorino,

Director, Information and Regulatory Systems Division.

[FR Doc. 86-16194 Filed 7-18-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION**Public Information Collection Requirements Submitted to Office of Management and Budget for Review**

July 14, 1986.

The Federal Communications Commission has submitted the following information collection requirements to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

Copies of the submissions are available from Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact David Reed, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-7231.

OMB Number: None

Title: Section 80.29, Changes during license term

Action: New collection

Respondents: Private radio licensees in the Maritime Services

Estimated Annual Burden: 250 Responses; 250 Hours

OMB Number: None

Title: Section 30.31, Cancellation of license

Action: New collection

Respondents: Private radio licensees in the Maritime Services

Estimated Annual Burden: 2,350 Responses; 705 Hours

OMB Number: None

Title: Section 80.409(c), Public coast station logs

Action: New collection

Respondents: Public coast station licensees

Estimated Annual Burden: 316

Recordkeepers; 30,020 Hours

OMB Number: None

Title: Section 80.401, Station documents requirement

Action: New collection

Respondents: Private radio licensees in the Maritime Services

Estimated Annual Burden: 10,208 Recordkeepers; 44,200 Hours

OMB Number: None

Title: Section 80.409 (d) and (e), Ship radiotelegraph logs, ship radio-telephone logs

Action: New collection

Respondents: Licensees of ship stations equipped for radiotelegraphy or radiotelephony

Estimated Annual Burden: 10,950 Recordkeepers; 517,935 Hours.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-16315 Filed 7-18-86; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1606]**Petitions for Reconsideration of Actions in Rulemaking Proceedings**

July 14, 1986.

Petitions for reconsideration have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW, Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Oppositions to these petitions must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments. (MM Docket No. 84-231)

Number of petitions received: 1

Federal Communications Commission.

William J. Tricarico,
Secretary.

[FR Doc. 86-16314 Filed 7-18-86; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Kinwix Communications et al.

1. The Commission has before it the following mutually exclusive applications for a new AM station:

Applicant, city, and State	File No.	MM Docket No.
A. Frank Paul Kinney and Fred Michael Wix d.b.a. Kinwix Communications; Shepherdsville, KY.	BP-840912AA.	86-189
B. Minority Broadcasting Corporation; Newburg, KY.	BP-850328AD.	
C. Joanna Ginter; Okolona, KY	BP-850329AD.	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

City Coverage (AM), A
Environmental Impact, All Applicants
Contingent Comparative, All Applicants
Ultimate, All Applicants
307(b), All Applicants

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW.,

Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief Audio Services Division,
Mass Media Bureau.

[FR Doc. 86-16313 Filed 7-18-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-010828-001.

Title: Los Angeles Terminal

Agreement.

Parties:

The City of Los Angeles
Overseas Terminal Company, Inc.
(Tenant)

Synopsis: The proposed amendment would permit the Tenant to perform remodeling work for offices, which it will occupy on Port of Los Angeles property, and for Tenant to be reimbursed for the cost of this remodeling through wharfage credits. The parties have requested a shortened review period.

Agreement No.: 202-010848-001.

Title: North Europe-Virgin Islands

Rate Agreement.

Parties:

Trans Freight Lines
Tropical Shipping and Construction Co., Ltd.

Synopsis: The proposed amendment would modify the independent action provisions of the agreement to comply with the Commission's regulations.

Dated: July 16, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86-16295 Filed 7-18-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

The Mitsubishi Trust and Banking Corp.; Application To Engage de novo in Permissible Nonbanking Activities

The Company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 6, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Mitsubishi Trust and Banking Corporation*, Tokyo, Japan; to engage *de novo* through its subsidiary MTBC Finance, Inc., New York, New York, in making, acquiring, or servicing loans or other extensions of credit (including issuing letters of credit and accepting drafts) for the Company's account or for the account of others, such as would be

made by a commercial finance or a factoring company; and leasing personal property or acting as agent, broker, or adviser in leasing such property, provided that all such leasing shall comply with the requirements of § 225.25(b)(5) of the Board's Regulation Y. These activities will be conducted in the United States and Canada.

Board of Governors of the Federal Reserve System, July 15, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-16278 Filed 7-18-86; 8:45 am]

BILLING CODE 6210-01

Penn Laurel Financial Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 11, 1986.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. **Penn Laurel Financial Corp.**, Curwensville, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Curwensville State Bank, Curwensville, Pennsylvania. Comments on this application must be received not later than August 13, 1986.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. **Central Virginia Bankshares, Inc.**, Powhatan, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Central Virginia Bank, Powhatan, Virginia.

2. **First Union Corporation**, Charlotte, North Carolina; to acquire 100 percent of the voting shares of First Railroad and Banking Company of Georgia, Augusta, Georgia, and thereby indirectly acquire Georgia Railroad Bank and Trust Company, Augusta, Georgia; Savannah Bank and Trust Company of Savannah, Savannah, Georgia; First Georgia Bank, Atlanta, Georgia; The First National Bank of Columbus, Columbus, Georgia; Commercial Bank and Trust Company, Griffin, Georgia; The First National Bank of Valdosta, Valdosta, Georgia; National City Bank of Rome, Rome, Georgia; First National Bank of Newnan, Newnan, Georgia; The Bank of Dalton, Dalton, Georgia; Central Bank of Georgia, Macon, Georgia; First National Bank and Trust Company, Vidalia, Georgia; Bank of Screven County, Sylvania, Georgia; Commercial Bank, Waycross, Georgia; and Farmers and Merchants Banks, Pine Mountain, Georgia. Subsequent to the acquisition, Applicant would merge Company with Applicant's existing bank holding company, First Union Corporation of Georgia, Atlanta, Georgia, under the charter of Company and with the title First Union Corporation of Georgia.

Board of Governors of the Federal Reserve System, July 15, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-16279 Filed 7-18-86; 8:45 am]

BILLING CODE 6210-01-M

GOVERNMENT PRINTING OFFICE

Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer will next meet October 15-17, 1986. The October 15 session will be held in the Harding Hall at the Government Printing Office. The October 16-17 sessions will be in the Mumford Room, Madison Building, Library of Congress.

The purpose of this meeting is to discuss the Depository Library Program. The meeting will be open to the public. Anyone who wishes to attend should notify the Meeting Coordinator, U.S. Government Printing Office, c/o Library Programs Service (LPS), Washington, DC 20401 (Telephone: 202-275-1119).

General participation by members of the public, or questioning of Council

members or other participants, shall be permitted with approval of the Chair.

Ralph E. Kennickell, Jr.,

Public Printer.

[FR Doc. 86-16320 Filed 7-18-86; 8:45 am]

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Cooperative Agreements; Acquired Immunodeficiency Syndrome (AIDS); Epidemiologic Studies of the Transmission of (HTLV-III/LAV) in Selected Populations of Women, Select Heterosexual Populations, and From Infected Mothers to Their Infants; Availability of Funds for Fiscal Year 1986

The Centers for Disease Control (CDC) announces that funds are available for Fiscal Year 1986 for the continuation of epidemiologic studies of the transmission of Human T-Lymphotropic Virus Type III/Lymphadenopathy Associated Virus (HTLV-III/LAV) in: I. Selected Populations of Women, II. Select Heterosexual Populations, and III. From Infected Mothers to their Infants. Catalog of Federal Domestic Assistance number is 13.118.

Program Objectives

The objectives of these cooperative agreements are as follows:

Project No. I

1. To determine the prevalence of HTLV-III/LAV infection, as measured by HTLV-III antibody, among women who have engaged in prostitution since January 1978.

2. To correlate seropositivity with behavioral characteristics among this selected population of women.

Project No. II

1. To ascertain the prevalence of HTLV-III/LAV infection in populations of heterosexual adults who are not known to be at increased risk for AIDS (e.g., persons who are not intravenous drug users or hemophiliacs or who were not born in countries with an increased incidence of AIDS).

2. To determine the risk factors for HTLV-III/LAV infection in heterosexual

¹ The designation human immunodeficiency virus (HIV) has recently been proposed by a subcommittee of the International Committee for the Taxonomy of Viruses as the appropriate name for the retrovirus that has been implicated as the causative agent of AIDS. (Science 1986; 232:697)

individuals who are HTLV-III seropositive.

Project No. III

1. To determine the frequency of and risk factors for HTLV-III/LAV transmission in infants born to infected mothers.
2. To determine possible modes of transmission from mother to infant and the frequency with which these occur.
3. To determine the effects of pregnancy and HTLV-III/LAV infection on immune function of the infected mothers.

Authority

This program is authorized under Section 301(a) of the Public Health Service Act, as amended.

Availability of Funds

Approximately \$1,270,000 is available in Fiscal Year 1986 to continue 8 noncompeting continuation cooperative agreements. No new applications will be accepted. Continuation awards within the project period will be made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. The funding estimate indicated above may vary and is subject to change, depending upon the availability of funds.

Applications

1. Copies—Place of Submission

The original and two copies of the application should be submitted on Form PHS 5161-1 (revised 3-79) on or before **July 28, 1986**: Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, Room 321, 255 East Paces Ferry Road, Atlanta, Georgia 30305.

Applications forms should be available in the institution's business office or from the above address.

2. Deadlines

Applications shall be considered as meeting the deadline if they are either:

- a. Received on or before the deadline date.

- b. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants should request a legibly-dated U.S. Postal Service postmark or obtain a legibly-dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

3. Late Applications

Applications which do not meet the criteria in either paragraph 2.a. or b. immediately above are considered late

applications and will not be considered in the current competition and will be returned to the applicant.

Reviews

Applications are not subject to review as governed by Executive Order 12372.

Information

Information on application procedures, copies of application forms, and other material may be obtained from Marsha Driggins, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE., Room 321, Atlanta, Georgia 30305, or by calling (404) 262-6575 or FTS 236-6575.

Technical assistance may be obtained from the following individuals: Project No. I, William W. Darrow, Ph.D.; Project No. II, Alan R. Lifson, M.D.; Project No. III, Martha F. Rogers, M.D.; AIDS Program, Center for Infectious Diseases, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 329-3162 or FTS 236-3162.

Dated: July 14, 1986.

Robert L. Foster,

Acting Director, Office of Program Support
Centers for Disease Control.

[FR Doc. 86-16285 Filed 7-18-86; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT-050-06-4410-08]

Environmental Assessment (EA) Availability and Amendment of the Management Framework Plan (MFP) for the Henry Mountain Planning Unit

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of comment period for the Gilbert Badlands Research Natural Area (RNA) Draft EA ending 30 days from publication of this notice and notice of intent to amend Henry Mountain MFP.

SUMMARY: A draft RMP plan and EA has been prepared for the proposed Gilbert Badlands RNA which falls within the Mt. Ellen-Blue Hills Wilderness Study Area (UT-050-238). The proposed RNA encompasses 3,680 acres located just south of South Caineville Mesa and 13 miles southwest of Hanksville, Utah.

The major issue involves the protection and preservation of scientific and research values. Disciplines represented on the interdisciplinary team include wilderness specialists, range specialists, land and mineral interests.

Anticipated public participation includes review of the draft EA, personal contract, and notification of the effective date of the plan amendment.

The draft EA is available at the Richfield District Office, 150 East 900 North, Richfield, Utah 84701. For additional information, contact Roy Edmonds, Environmental Coordinator, at the above address or call 801-896-8221.

Donal L. Pendleton,
District Manager.

July 2, 1986.

[FR Doc. 86-16321 Filed 7-18-86; 8:45 am]

BILLING CODE 4310-DQ-M

[NM-010-06-4111-09; NM-010-0117]

Office Relocation; Albuquerque, NM

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of office relocation—Albuquerque, New Mexico.

SUMMARY: All offices of the Bureau of Land Management currently located in Albuquerque, New Mexico, at the following locations, 505 Marquette NW., and 3540 and 3550 Pan American Freeway NE., will be moved to a new location between July 15 and July 31, 1986. During this period, services to the public may be curtailed to the extent necessary to complete the move as quickly as possible.

All Albuquerque BLM offices will be located at 435 Montano Road NW., effective July 15, 1986. The new mailing address for all offices will be: Bureau of Land Management, 435 Montano Road NW., Albuquerque, New Mexico 87107.

All telephone numbers currently listed in the Albuquerque phone directory will remain unchanged. Other phone numbers to individual offices or specialists may be changed.

FOR FURTHER INFORMATION CONTACT: Lois Meadors, Branch of Administrative Services, (505) 766-2076 or FTS 474-2076.

L. Paul Applegate,
District Manager.

[FR Doc. 86-16273 Filed 7-18-86; 8:45 am]

BILLING CODE 4310-FB-M

[NV-060-4312-02]

Battle Mountain District Advisory Council Meeting; Eureka, NV

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Battle Mountain District Advisory Council will be held on Tuesday and

Wednesday, August 19 & 20, 1986. The meeting will convene at 9:00 A.M. in the Eureka County Courthouse in Eureka, Nevada.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Continuation of orientation for new Council members.
2. Discussion of wild horse problems.
3. Tour of Fish Creek Ranch Allotment.

The meeting is open to the public. Interested persons may make oral statements between 1:00 and 1:30 P.M. on August 19, 1986. If you wish to make an oral statement, please contact Terry L. Plummer by 4:30 P.M., August 12, 1986.

FOR FURTHER INFORMATION CONTACT: Terry L. Plummer, District Manager, P.O. Box 1420, Battle Mountain, Nevada 89820 or phone (702) 635-5181.

Dated: July 11, 1986.
Terry L. Plummer,
District Manager.
[FR Doc. 86-16272 Filed 7-18-86; 8:45 am]
BILLING CODE 4310-HC-M

[ID-040-06-4410-08]

Salmon District; Availability of proposed Lemhi Resource Management Plan and final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Availability of proposed Lemhi RMP and final EIS.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared an environmental impact statement (EIS) for a proposed resource management plan (RMP) for public lands in the Lemhi Resource Area. The proposed plan and EIS describes and analyzes seven alternatives for managing 459,566 acres of BLM-administered public land over the next 15 to 20 years.

The proposed plan and final EIS uses an abbreviated format and is designed to be used in conjunction with the draft RMP/EIS released in September 1985. The BLM considered all of the comments received by letter and at the public hearing. After a thorough review of the Draft EIS released September 1985 and an analyses of all the comments, BLM has chosen to adopt Alternative F, with some minor additions and corrections as the proposed plan for the area. Alternative F was identified in the Draft RMP/EIS as BLM's preferred alternative. A wilderness recommendation for the Eighteenmile Wilderness Study Area (WSA) is not

included in the proposed plan. The WSA is being considered further along with the wilderness specific comments received on the Draft RMP/EIS. After a review of the comments, a Final Eighteenmile Wilderness EIS will be prepared along with a Wilderness Study Report. These documents will include the BLM's tentative wilderness recommendation to the Secretary of the Interior.

SUPPLEMENTARY INFORMATION: Protests to the proposed plan shall be filed with the Director. Any person who participated in the planning process and has an interest which is or may be adversely affected by the resource management plan may protest. The procedures for filing a protest are listed in the proposed plan and in 43 CFR 1610.5-2.

DATE: Any protests will have to be received by the Director by August 25, 1986.

ADDRESS: Copies of the proposed RMP and final EIS are available upon request from the Lemhi Resource Area Office, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467.

FOR FURTHER INFORMATION CONTACT: Jerry Wilfong, Area Manager, Bureau of Land Management, Lemhi Resource Area, P.O. Box 430, Salmon, Idaho 83467. Telephone: (208) 756-5400.

Dated: July 11, 1986.
Jerry W. Goodman,
District Manager.
[FR Doc. 86-16294 Filed 7-18-86; 8:45 am]
BILLING CODE 4310-GG-M

National Park Service

Appalachian National Scenic Trail Land Protection Plan Update

The Land Protection Plan for the Appalachian National Scenic Trail approved on June 27, 1983, has been updated in accordance with National Park Service procedures effective June 25, 1986. The updated plan contains clarifications on alternative means of protecting the Trail, revisions to the priority system for completing protection of the Trail and revised statistics showing progress toward completing protection of the Trail. The appendix also includes a listing of tracts that have been identified for potential National Park Service acquisition before the Trail protection program is complete.

A copy of the updated Land Protection Plan may be obtained by writing or calling the Appalachian Trail Land Acquisition Field Office, P.O. Box 908, Martinsburg, West Virginia 25401, (304) 263-1357.

Dated: July 14, 1986.
David A. Richie,
Project Manager.
[FR Doc. 86-16332 Filed 7-18-86; 8:45 am]
BILLING CODE 4310-70-M

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations Invitation for Membership on Advisory Committee

The Joint Board for the Enrollment of Actuaries (Joint Board), established under the Employee Retirement Income Security Act of 1974 (ERISA), is responsible for the enrollment of individuals who wish to perform actuarial services under ERISA. The Joint Board has established an Advisory Committee on Actuarial Examinations (Advisory Committee) to assist in its examination duties mandated by ERISA. The term of the current Advisory Committee will expire on November 1, 1986 and the Joint Board proposes to renew such Advisory Committee's charter for a further two year period. This notice describes the Advisory Committee and invites applications from those interested in serving on it.

1. *General.* To qualify for enrollment to perform actuarial services under ERISA, an applicant must have requisite pension actuarial experience and must satisfy knowledge requirements as provided in the Joint Board's regulations. The knowledge requirements may be satisfied by successful completion of Joint Board examinations in basic actuarial mathematics and methodology, and in actuarial mathematics and methodology relating to pension plan qualifying under ERISA.

The Joint Board, in cooperation with the Society of Actuaries and the American Society of Pension Actuaries, jointly administer examinations which are acceptable to the Joint Board for enrollment purposes, and which are acceptable to those actuarial organizations as a part of their respective examination programs.

2. *Purpose.* The Advisory Committee plays an integral role in the examination program by assisting the Joint Board in offering examinations which will enable examination candidates to demonstrate the knowledge necessary to qualify for enrollment. The purpose of the Advisory Committee, as renewed, will remain that of assisting the Joint Board in fulfilling this responsibility. The Advisory Committee will discuss the philosophy of such examinations, will review topics appropriately covered in

them, and will make recommendations relative thereto. It also will recommend to the Joint Board proposed examination questions. The Joint Board will maintain liaison with the Advisory Committee in this process to ensure that its views of examination content are understood.

3. Function. The manner in which the Advisory Committee functions in preparing examination questions is intertwined with the jointly administered examination program. Under that program, the participating actuarial organizations draft questions and submit them to the Advisory Committee for its consideration. After review of the draft questions, the Advisory Committee selects appropriate questions, modifies them as it deems desirable and then prepares one or more drafts of actuarial examinations to be recommended to the Joint Board. (In addition to revisions of the draft questions, it may be necessary for the Advisory Committee to originate questions of its own and include them in what is recommended.)

4. Membership. The Joint Board will take steps to ensure maximum practicable representation on the Advisory Committee of points of view regarding the Joint Board's actuarial examinations extant in the community of actuaries. In this regard, appointment will be made from the actuarial community at large and from nominees provided by the actuarial organizations. Since the members of the actuarial organizations comprise a large segment of the actuarial profession, this appointive process ensures expression of a board spectrum of viewpoints. All members of the Advisory Committee will be expected to act in the public interest, that is, to produce examinations which will help ensure a level of competence among those who will be accorded enrollment to perform actuarial services under ERISA.

Membership normally will be limited to actuaries previously enrolled by the Joint Board. However, individuals having academic or other special qualifications of particular value for the Advisory Committee's work also will be considered for membership. The Advisory Committee will be comprised of not more than nine members.

The Advisory Committee will meet about six times a year. Advisory Committee members should be prepared to devote from 100 to 150 hours, including meeting time, to the work of the Advisory Committee over the course of a year. Members will be reimbursed for travel, meals and lodging expenses incurred, in accordance with applicable government regulations, with respect to

their attendance at Advisory Committee meetings.

Actuaries interested in serving on the Advisory Committee should express their interest and fully state their qualifications in a letter addressed to: Joint Board for the Enrollment of Actuaries c/o U.S. Department of the Treasury, Washington, DC 20220.

Any questions may be directed to the Joint Board's Executive Director at 202-535-6787.

The deadline for accepting applications is September 15, 1986.

Dated: July 16, 1986.

Leslie S. Shapiro,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 86-16300 Filed 7-18-86; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF LABOR

Office of the Secretary

Advisory Council on Employee Welfare and Pension Benefit Plans; Announcement of Vacancies; Request for Nominations

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 88 Stat. 895, 29 U.S.C. 1142, provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" (the Council) which is to consist of 15 members to be appointed by the Secretary of Labor (the Secretary) as follows: Three representatives of employee organizations (at least one of whom shall be representative of an organization whose members are participants in a multiemployer plan); three representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and accounting; and three representatives from the general public (one of whom shall be a person representing those receiving benefits from a pension plan). Not more than eight members of the Council shall be members of the same political party.

Members shall be persons qualified to appraise the programs instituted under ERISA. Appointments are for terms of three years.

The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under ERISA, and to submit to the Secretary recommendations with respect thereto.

The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on ERISA.

The terms of five members of the Council expire on Friday, November 14, 1986. The groups or fields represented are as follows: employee organizations, employers, accounting, insurance and the general public.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the ERISA Advisory Council on Employee Welfare and Pension Benefit Plans to represent any of the groups or fields specified in the preceding paragraph, may submit recommendations to the Secretary of Labor, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Recommendations must be delivered or mailed on or before August 25, 1986. Recommendations may be in the form of a letter, resolution, or petition, signed by the person making the recommendation, or, in the case of a recommendation by an organization, by an authorized representative of the organization. Each recommendation shall identify the candidate by name, occupation or position, telephone number and address. It shall include a brief description of the candidate's qualifications and shall specify the group or field which he or she would represent for the purposes of section 512 of ERISA, the candidate's political party affiliation, and whether the candidate is available and would accept.

Signed at Washington, DC this 15th day of July 1986.

Dennis M. Kass,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 86-16333 Filed 7-18-86; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (86-52)]

NASA Advisory Council, Earth Systems Sciences Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the

NASA Advisory Council (NAC) Earth System Sciences Committee (ESSC).

DATE AND TIME: August 13-14, 1986, 8:30 a.m. to 5:30 p.m. each day; and August 15, 1986, 8:30 a.m. to 12 p.m.

ADDRESS: Woods Hole Oceanographic Institution, Woods Hole Study Center, Woods Hole, Massachusetts, 02543.

FOR FURTHER INFORMATION CONTACT: Dr. Shelby G. Tilford, Code EE, National Aeronautics and Space Administration, Washington, DC 20546 (202) 453-1706.

SUPPLEMENTARY INFORMATION: The NASA Advisory Council, Informal Earth System Sciences Committee was formed in October, 1983, to provide advice and counsel to NASA on the future role, responsibilities, and implementation strategies for the Earth Science and Applications program. This committee is chaired by Dr. Francis L. Bretherton and has a total of 17 members.

Type of meeting: Open.

Agenda:

August 13, 1986;

8:30 a.m.—Brief status report on activities to date.

1:30 p.m.—Review the detailed Scientific Rationale developed in the Overview Document.

5:30 p.m.—Adjourn.

August 14, 1986;

8:30 a.m.—Review the detailed Scientific Rationale developed in the Overview Document.

1:30 p.m.—Review the status of the Working Group Reports.

5:30 p.m.—Adjourn.

August 15, 1986;

8:30 a.m.—Discuss follow-on activities.

12 p.m.—Adjourn.

Richard L. Daniels,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

July 11, 1986.

[FR Doc. 86-16277 Filed 7-18-86; 8:45 am]

BILLING CODE 7510-01-M

[Notice (86-50)]

NASA Advisory Council (NAC), Life Sciences Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life Sciences Advisory Committee (LSAC).

DATE AND TIME: August 7-8, 1986, 8:30 a.m. to 5:30 p.m. each day.

ADDRESS: National Aeronautics and Space Administration, FB 10-6, Room 226-A, 600 Independence Avenue SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald J. White, Code EB, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1530).

SUPPLEMENTARY INFORMATION: The Life Sciences Advisory Committee provides advice and coordination of NASA Life Sciences research programs. They assist in long-range planning for Spacelab, Space Station, and Space Transportation System experiments, as well as ground-based biomedical research. The Committee, chaired by Dr. Robert E. Moser, is comprised of approximately 25 members.

This meeting will be closed to the public from 3:30 p.m. to 5:30 p.m. on August 8 for a discussion of candidates being considered for Committee membership. During this session, the qualifications of proposed new members will be candidly discussed and appraised. Since this session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public. The remainder of the meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including committee members and other participants).

Type of meeting: Open—except for a closed session as noted in the agenda below.

August 7, 1986;

8:30 a.m.—Opening Remarks.

8:45 a.m.—Status Report on Actions from Previous Meeting.

9:15 a.m.—Review of Fiscal Years 86 and 87 and Agency Budget Status.

9:45 a.m.—Space Station and Life Sciences Accommodations.

1:15 p.m.—Life Sciences Planning for Space Station.

2:15 p.m.—Space Station Status.

3:15 p.m.—LSAC Strategy Planning for Fiscal Years 87, 88, and 89 Programs and Budgets.

5:30 p.m.—Adjourn.

August 8, 1986;

8:30 a.m.—Reports on the Task Force on Scientific Use of Space Station Activities.

9:45 a.m.—Space Life Sciences 1/2, International Microgravity Laboratory, Etc., Status.

10:45 a.m.—International Activities Status.

11:30 a.m.—Results of Cosmos 1667.

1:30 p.m.—Biosphere II.

2:30 p.m.—LSAC Near-Term Strategic Planning and Future Activities and Interactions with Other Space Sciences Advisory Committees.

3:30 p.m.—Discussion of New Members (Closed session).

5:30 p.m.—Adjourn.

Richard L. Daniels,

*Advisory Committee Management Officer,
National Aeronautics and Space
Administration.*

July 11, 1986.

[FR Doc. 86-16275 Filed 7-18-86; 8:45 am]

BILLING CODE 7510-01-M

[Notice (86-51)]

NASA Advisory Council (NAC), Solar System Exploration Committee; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Solar System Exploration Committee (SSEC).

DATE AND TIME: August 8, 1986, 8:30 a.m. to 5 p.m., and August 9, 1986, 8:30 a.m. to 12:30 p.m.

ADDRESS: Board Room in the Millikan Library, California Institute of Technology, 1201 East California Boulevard, Pasadena, California 91125.

FOR FURTHER INFORMATION CONTACT: Dr. Geoffrey A. Briggs, Code EL, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1588).

SUPPLEMENTARY INFORMATION: The NAC Solar System Exploration Committee consults with and advises the Council and NASA on plans for future missions to inner planets, outer planets, and primitive bodies. The Committee is chaired by Dr. David Morrison and is composed of 20 members. Each of the sessions will be open to the public up to the seating capacity of each room which is approximately 35 persons including Committee members and other participants.

Type of meeting: Open.

Agenda:

August 8, 1986.

8:30 a.m.—Introductory Remarks.

9:00 a.m.—Planetary Program Status and Impact of Recent Events.

10:30 a.m.—Future Program Outlook.

1:00 p.m.—Briefing on Mission Capability of Launch Vehicle Options.
 3:30 p.m.—Discussion—Mission Options.
 5:30 p.m.—Adjourn. August 9, 1986
 8:30 a.m.—Reexamination of Solar System Exploration Strategy.
 10:30 a.m.—Discussion—Core Missions and Augmentation Mission Set.
 12:30 p.m.—Adjourn.

Richard L. Daniels,
*Advisory Committee Management Officer,
 National Aeronautics and Space Administration.*

July 10, 1986.

[FR Doc. 86-16276 Filed 7-18-86; 8:45 am]

BILLING CODE 7510-01-M

[Notice 86-53]

National Commission on Space; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

SUMMARY: The date of the meeting, July 26, 1986, of the National Commission on Space, published in *Federal Register* July 3, 1986 (51 FR 24453), Notice No. 86-46, was submitted in error. The correct date is July 21, 1986.

Richard L. Daniels,

*Advisory Committee Management Officer,
 National Aeronautics and Space Administration.*

July 17, 1986.

[FR Doc. 86-16471 Filed 7-18-86; 10:05 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-443 and 50-444]

Public Service Company of New Hampshire et al.; Issuance of Amendment to Construction Permits

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments No. 8 to Construction Permits Nos. CPPR-135 and CPPR-136 for the Seabrook Station, Units 1 and 2. The amendments modify the construction permits to delete the Washington Electric Cooperative, Inc. as an owner.

Amendments No. 5 to Construction Permits CPPR-135 and CPPR-136 were issued on June 23, 1982 showing a transfer of ownership interest from Connecticut Light and Power Company to Washington Electric Cooperative, Inc. As detailed in a letter dated March 7, 1984, from Robert Harrison, President of Public Service Company of New

Hampshire,¹ to the Office of Nuclear Reactor Regulation, the proposed transfer reflected in Amendments No. 5 never actually took place, and Washington Electric Cooperative never acquired any ownership interest in the Seabrook facilities.

The issuance of the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which is set forth in the amendments. Prior public notice of these amendments were not required, since the amendments do not involve a significant hazards consideration.

For further details with respect to the action see (1) Amendments No. 8 to Construction Permits CPPR-135 and CPPR-136, and (2) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Local Public Document Room at Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

In addition, a copy of items (1), and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 7th day of July, 1986.

Vincent S. Noonan,

*Director, PWR Project Directorate No. 5,
 Division of PWR Licensing-A.*

[FR Doc. 86-16328 Filed 7-18-86; 8:45 am]

BILLING CODE 7590-01-M

Draft Revision to NUREG and An Implementing Generic Letter

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to NUREG-0313 "Technical Report on Material and Processing Guidelines for BWR Piping."

¹ The current construction permit holders for Seabrook Station are: Bangor Hydro-Electric Company, Canal Electric Company, Central Maine Power Company, Central Vermont Public Service Corporation, Connecticut Light & Power Company, Fitchburg Gas & Electric Light Company, Hudson Light and Power Department, Maine Public Service Company, Massachusetts Municipal Wholesale Electric Company, Montauk Electric Company, New England Power Company, New Hampshire Electric Cooperative, Inc., Public Service Company of New Hampshire, Taunton Municipal Lighting Plant, the United Illuminating Company, and Vermont Electric Generation and Transmission Cooperative, Inc.

Concurrently, a draft of the proposed implementing Generic Letter is also being issued for public comment.

The Generic Letter includes the Staff Positions that will be used by the staff to evaluate the adequacy of actions taken by owners of BWR's to minimize and control intergranular stress corrosion cracking in BWR piping systems. Further technical background and discussion is provided by the draft revision to NUREG-0313.

It has been suggested that consideration be given to limiting the fraction of weldments in a piping system that can contain cracks larger than those acceptable under ASME Boiler and Pressure Vessel Code Section XI, IWB-3500, with or without repairs such as weld overlay reinforcement. In IWB-3600, the Code provides evaluation methods for cracks larger than those acceptable under IWB-3500, but no limit is placed on the number of weldments in a system that may contain cracks acceptable by evaluation. A limit of about 25% of the weldments in any single system has been suggested. To ensure that this suggestion be given proper and full consideration, the following proposed addition to the draft Generic Letter is also being issued for public comment:

Limits on Number of Cracked Weldments in Piping

The maximum number of weldments with significant cracking that is permissible in a single piping system is 25% of the total number of welds in that system. Examples of piping systems are the Recirculation System, Core Spray System, RHR System and similar systems.

The maximum number of weldments with significant cracks that is permissible in a single run of piping in 25% of the total number of weldments in that run, or a total of two, if the run contains less than eight weldments.

Significant cracks are herein defined as those that cannot be shown to be acceptable under IWB-3500 irrespective of any weld overlay reinforcement or other similar repair that does not eliminate the crack.

A single pipe run is herein defined as a section of pipe between terminal ends, such as vessels, pumps, or valves.

Because crack sizing is difficult and uncertain in the crack depth range that is acceptable under IWB-3500, sizing to show conformance with IWB-3500 must be performed by two independent examiners, and both must be qualified for sizing under the NRC-EPRI-BWROG Coordination Plan being conducted at

the EPRI NDE Center at Charlotte, North Carolina.

Public comments are being solicited on both drafts, the Generic Letter and the draft revision to the NUREG. Comments should be accompanied by supporting data. Written comments may be submitted to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland from 8:15 a.m. to 5:00 p.m. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555. For comments to be considered by the staff when finalizing these documents, they should be received no later than 60 days from the issuance of this notice.

The draft Generic Letter, the draft revision 2 to NUREG-0313, and the regulatory analysis pertaining to these are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555. Requests for single copies of these documents (which may be reproduced) should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Generic Letters and NUREG Reports are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Bethesda this 11th day of July 1986.

For the Nuclear Regulatory Commission.

Robert M. Bernero,

Director, Division of BWR Licensing Office of Nuclear Reactor Regulation.

Nuclear Regulatory Commission

(Draft)

To All Licensee of Operating Reactors, Applicants For Operating License, and Holders Of Construction Permits For Boiling Water Reactor (BWRs)

Subject: NRC Position on IGSCC in BWR Austenitic Stainless Steel Piping (Generic Letter 86-)

Gentlemen: Intergranular stress corrosion cracking (IGSCC) near weldments in BWR piping has been occurring for almost 20 years. Early cases were in relatively small-diameter piping. In early 1982, cracking was identified in large-diameter piping in BWR recirculation systems. Since then, extensive inspection programs have been conducted on BWR piping systems. Results of these inspections have varied widely between plants; some

were found to be relatively free of cracking, whereas others were found to be severely degraded. The cause of the IGSCC is a combination of sensitization of the conventional austenitic stainless steel by welding, high residual tensile stresses on the inside surface near the welds, and dissolved oxygen and other aggressive contaminants in the BWR primary coolant.

A significant number of domestic and foreign BWR owners have replaced or plan to replace piping systems that have experienced IGSCC with more resistant material. Other owners are implementing countermeasures such as Induction Heating Stress Improvement (IHSI) or Hydrogen Water Chemistry (HWC) to reduce the susceptibility of the piping to IGSCC. In many cases, cracked weldments have been repaired by reinforcing them with weld overlay.

Substantial efforts in research and development have been sponsored by the BWR Owners Group for IGSCC. The results of this program along with other related work by vendors, consulting firms, and confirmatory research sponsored by the NRC, have permitted the development of revised Staff Positions regarding the IGSCC problems.

The purpose of this letter is to implement these positions. The technical bases for these positions are detailed in NUREG-0313, Rev. 2 "Technical Report on Material Selection and Process Guidelines for BWR Coolant Pressure Boundary." This revision to NUREG-0313 was prepared as a major task in the staff long range plan to deal with BWR pipe cracking that was presented to the Commission in SECY 84-301. This revision includes the relevant recommendations of the Piping Review Committee Task Group on Pipe Cracking issued as NUREG-1061 Vol. 1 "Report of USNRC Piping Review Committee, and consideration of public comments on that document. NUREG-0313, Rev. 2 describes the technical bases for the staff positions on materials, processes, and primary coolant chemistry to minimize and control IGSCC problems. Inspection schedules and inspection sample sizes are based on the susceptibility of weldments to initiation and propagation of IGSCC. Inspection schedules are comparable to those specified in Section XI of the ASME Boiler and Pressure Vessel Code in cases where the piping material is IGSCC resistant. Varying amounts of augmented inspections are specified for piping with a greater susceptibility to cracking, less certainty about the effectiveness of mitigation measures used, or in cases where repairs have been performed. When improved water chemistry control with hydrogen additions is implemented, less augmentation of inspection schedules is required.

A detailed discussion of the bases for the staff positions on these subjects is provided in NUREG-0313, Rev. 2. The staff positions implemented by this Generic Letter are given below:

Staff Position on Materials

The materials considered resistant to sensitization and IGSCC in BWR piping systems are:

(1) Low carbon wrought austenitic stainless steel. These include 304L, 304NG, 316L, 316NG, and 347NG. Carbon must be as specified in Table 1 in NUREG-0313, Rev. 2 by both heat and product analyses. These materials must be tested for resistance to sensitization in accordance with ASTM A262E or equivalent specification.

(2) Weld metal of type 308L grade with a minimum of 8% ferrite as deposited. This may be used as a cladding on the inside of the pipe (often referred to as corrosion-resistant cladding (CRC)), but this is not recommended generally, as the cladding may make volumetric inspections more difficult.

(3) Cast austenitic stainless steel with less than 0.035% carbon and a minimum of 8% ferrite.

(4) High toughness, low strength carbon steel grades, with specified minimum yield strength of 35,000 psi or lower.

(5) Other materials such as nickel base alloys, etc., will be considered for special cases. Inconel 82 is the only nickel base weld metal considered to be resistant.

Staff Position on Processes

The processes considered to be fully qualified for providing resistance to IGSCC in new or replacement BWR piping welds are:

- (1) solution heat treatment (SHT).
- (2) heat sink welding (HSW).
- (3) induction heating stress improvement (IHSI).

Although last pass heat sink welding (LPHSW) is not considered to be fully qualified, specific cases may be evaluated individually. Stress improvement processes other than IHSI (e.g., Mechanical Stress Improvement Process) may be approved by the staff when all relevant aspects are evaluated. Specific cases may be approved individually.

Staff Position on Water Chemistry

The staff believes that HWC may prove to be an effective countermeasure for reducing IGSCC in BWR piping, but further experience, development, and engineering for field implementation are required. Furthermore, it appears likely that plant specific conditions may affect the degree of control of oxygen and conductivity that is possible. For these reasons, reductions in piping inspection frequency based on the use of HWC will be considered on an individual case basis, at least at the present time.

The staff also believes that the successful development and application of HWC is highly important and desirable to reduce the probability of IGSCC in components other than piping, particularly in structures and components inside the reactor vessel.

Staff Position on Weld Overlay Reinforcement

Weld overlay reinforcement made in accordance with staff recommendations described in this report are considered to be acceptable at least for short-term operation. Weld overlay may be considered for longer term operation provided:

- (1) The overlays are in conformance with the criteria of IWB 3600 of Section XI of the ASME Boiler and pressure vessel code, and

(2) they are inspected in accordance with the staff position on inspection methods and personnel, by UT examiners and procedures qualified to inspect overlaid welds.

Weld overlays not meeting (1) above may be reinforced to the extent necessary, if desired.

Staff Position on Partial Replacement

Repair of cracked weldments by partial replacement can be considered to be fully effective if appropriate materials and weld processes are used, and therefore are considered to be resistant to IGSCC.

Staff Position on Stress Improvement (SI) of Cracked Weldments

SI may be considered as a partial mitigation process when applied to weldments with short or shallow cracks. Details of allowable crack sizes in this regard are covered in the next section. Note that SI is only considered effective if it is followed by a qualified UT examination, and if cracks are found they must be sized, both in depth and length, by procedures and personnel qualified to perform sizing examination.

Staff Position on Clamping Devices

Clamping devices may be used for at least temporary reinforcement of cracked weldments. Each case must be reviewed and approved on an individual basis.

Staff Position on Crack Characterization and Repair Criteria

Methods and criteria for crack characterization and repair should be in conformance with IWB-3600 of Section XI of the ASME Boiler and Pressure Vessel Code.

Because detailed sections of the Code are still under development, methods of analysis and acceptance criteria described in detail in NUREG-0313, Rev. 2 are considered acceptable to the staff.

Staff Position of Inspection Methods and Personnel

Examinations should comply with the applicable Edition and Addenda of the ASME Code, Section XI, as specified in paragraph (g), "Inservice Inspection Requirements" as 10 CFR 50.55a, "Codes and Standards".

In addition, the detailed procedure, equipment and examination personnel shall be qualified by a formal program such as that being conducted in accordance with the NDE Coordination Plan agreed upon by NRC, EPRI, and the Boiling Water Reactor Owners Group for IGSCC, and being conducted at the EPRI NDE Center in Charlotte, North Carolina.

Staff Position on Inspection Schedules

A summary of the staff position on inspection schedules is given in Table 1. Additional details and definitions are provided in NUREG-0313, Rev. 2, Section 5.

Staff Position on Leak Detection

Leakage detection systems should be in conformance with Position C at Regulatory Guide 1.45 "Reactor Coolant Pressure Boundary Leakage Detection Systems."

Plant shutdown should be initiated for inspection and corrective action when any leakage detection system indicates, within a

period of 24 hours or less, an increase in rate of unidentified leakage in excess of 2 gpm or its equivalent, or when the total unidentified leakage attains a rate of 5 gpm or its equivalent, whichever occurs first. For sump level monitoring systems with fixed-measurement interval method, the level should be monitored at 4-hour intervals or less.

Unidentified leakage should include all leakage other than:

- leakage into closed systems, such as pump seal or valve packing leaks that are captured, flow metered, and conducted to a sump or collecting tank, or
- leakage into the containment atmosphere from sources that are both specifically located and known either not to interfere with the operations of unidentified leakage monitoring systems or not to be from a throughwall crack in the piping within the reactor coolant pressure boundary.

Limits on Number of Cracked Weldments in Piping

The maximum number of weldments with significant cracking that is permissible in a single piping system is 25% of the total number of welds in that system. Examples of piping systems are the recirculation system, Core Spray System, RHR system and similar systems.

The maximum number of weldments with significant cracks that is permissible in a single run of piping is 25% of the total number of weldments in that run, or a total of two, if the run contains less than eight weldments.

Significant cracks are herein defined as those that cannot be shown to be acceptable under IWB-3500 irrespective of any weld overlay reinforcement or other similar repair that does not eliminate the crack.

A single pipe run is herein defined as a section of pipe between terminal ends, such as vessels, pumps, or valves.

Because crack sizing is difficult and uncertain in the crack depth range that is acceptable under IWB-3500, sizing to show conformance with IWB-3500 must be performed by two independent examiners, and both must be qualified for sizing under the NRC-EPRI-BWROG Coordination Plan being conducted at the EPRI NDE Center at Charlotte, North Carolina.

The staff continues to believe that replacing susceptible piping with IGSCC-resistant materials will provide the greatest degree of assurance against future cracking problems. Therefore, we continue to endorse Generic Letter 84-07, "Procedural Guidance for Pipe Replacements at BWR's" and encourage programs to replace piping so as to reduce the potential for cracking and to minimize the need for augmented inspections. However, we recognize that if the staff positions of this Generic Letter are

implemented, adequate levels of plant safety can be achieved. We believe this revision to the NUREG will be of use to owners in making sound plant-level decisions.

Each weldment can be evaluated for its material, heat treatment history, stress level, chemical environment and surveillance program and, therefore, a reasonable judgement can be made on the long-term acceptability of that weldment. Considering that each piping system has many weldments and each plant has many piping systems, an owner needs to assess the entire problem in an integrated way.

BWR owners are requested to provide the staff the following:

1. Owner's current plans with regard to pipe replacement and/or other measures to be instituted to mitigate IGSCC and provide assurance of continued, long-term piping integrity and reliability.

2. A change to the facility(ies) Technical Specifications incorporating an augmented inspection program for austenitic stainless steel piping, 4 inches or greater, that operate at a temperature greater than 200° F in accordance with Table 1.

As in the past, should flaws be identified that are in excess of ASME Code Section XI criteria for continued operation without evaluation, evaluation of the flaws for continued operation and/or repair plans by the owner will be subject to NRC review and approval.

Licensees and applicants are requested to respond to this generic letter within 180 days of receipt of this letter. Our review of your submittal of information in response to this letter is not subject to fees under the provisions of 10 CFR 170. However, should you, as part of your response or in a subsequent submittal, include an application for license amendment or other action requiring NRC approval, it is subject to the fee requirements of 10 CFR 170 with remittance of an application fee of \$150 per application (Sections 170.12(c) and 170.21) and subsequent semi-annual payments until the review is completed or the ceiling in Section 170.21 is reached.

This request for information was approved by the Office of Management and Budget under clearance number 3150-0011 which expires September 30, 1986. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Sincerely,

Robert M. Bernero,
Director, Division of BWR Licensing, Office of Nuclear Reactor Regulation.

TABLE 1.—INSPECTION SCHEDULES FOR BWR PIPING WELDMENTS

Description of weldments	Notes	IGSCC category	Inspection	
			Extent	Schedule
Resistant Materials.....		A	All All 25 percent	Bimetallic every 10 years. Terminal ends every 10 years. Of other welds every 10 years.

TABLE 1.—INSPECTION SCHEDULES FOR BWR PIPING WELDMENTS—Continued

Description of weldments	Notes	IGSCC category	Inspection	
			Extent	Schedule
Nonresistant Materials SI within 2 years of operation (1).	(1)	B	All	Bimetallic every 10 years.
			All	Terminal ends every 10 years.
			50 percent	Others every 10 years.
Nonresistant Materials SI after 2 years of operation (1).	(1)	C	All	Next 3 1/2 years.
			then:	
			All	Next 10 years.
Nonresistant Material No SI	(1)	D	All	Every 3 1/2 years.
Cracked overlayed or SI (1)(2)	(1)(2)	E	All	Next outage.
			then:	
			All	Every 3 1/2 years.
Cracked inadequate or no repair (2)	(2)	F	All	Every outage.
Nonresistant not inspected (3)	(3)	G	All	Next outage.

Notes:

(1) All welds in non-resistant material should be inspected after a stress improvement process as part of the process. Schedules shown should be followed after this initial inspection.

(2) See requirements for acceptable weld overlay reinforcements and stress improvement mitigation in Section 4 of NUREG-0313, Rev. 2.

(3) Welds that are not inspectable should be replaced, "sleeved", or local leak detection applied.

[FR Doc. 86-16329 Filed 7-18-86; 8:45 am]

BILLING CODE 7590-01-M

UNITED STATES TRADE REPRESENTATIVE

Implementation of Modifications in Specialty Steel Import Relief

AGENCY: Office of the United Trade Representative.

ACTION: Notice.

SUMMARY: This notice modifies the Tariff Schedules of the United States (TSUS) to implement a change in the specialty steel import relief program from quarterly to semiannual quota quantities for the stainless steel bar, stainless steel rod and alloy tool steel categories for all countries and the "Other" countries. This notice also retroactively deletes Finland from the list of countries published in the Federal Register on February 27, 1986 whose exports of stainless steel sheet, strip and plate on or after March 1, 1986 were exempted from the applicable duties provided by this import relief program.

EFFECTIVE DATE: July 20, 1986.

FOR FURTHER INFORMATION CONTACT: Marie Haugen, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, (202) 377-4036.

SUPPLEMENTARY INFORMATION:

Presidential Proclamation 5074 of July 19, 1983 (48 FR 33233), provided for the temporary imposition of increased tariffs and quantitative restrictions on certain stainless steel and alloy tool steel products imported into the United States, pursuant to section 203 of the Trade Act of 1974. Proclamation 5074 authorizes the U.S. Trade Representative to take such actions and perform such functions for the United

States as may be necessary to administer and implement the relief, including negotiating orderly marketing agreements and allocating quota quantities on a country-by-country basis. The U.S. Trade Representative is also authorized to make modifications in the TSUS headnote or items proclaimed by the President in order to implement such actions.

Pursuant to the above authority, the U.S. Trade Representative has determined that the quarterly quota quantities should be converted to semiannual quantities for the stainless steel bar, stainless steel rod and alloy tool steel categories for all countries and the "Other" countries. For purposes of "carryover" and "exceeding restraint levels," the second semiannual restraint period will be treated as would the fourth quarterly restraint period in any program year.

On February 27, 1986, a notice was published in the Federal Register (51 FR 6956) announcing certain modifications to the specialty steel import relief in order to implement agreements negotiated by the U.S. Trade Representative pursuant to the national policy for the steel industry established by the President on September 18, 1984.

This notice amends the modifications announced in the aforementioned notice by retroactively deleting Finland from the list of countries, whose products, which are exported to the United States on or after March 1, 1986, are no longer subject to the duties provided for in items 926.00 and 926.05 of the TSUS.

In conformity with the above Subpart A Part 2 of the Appendix to the TSUS is modified as follows:

1. Items 926.13, 926.18 and 926.23 are modified by changing the quota quantities for all listed countries and for "Other" to the following:

QUOTA QUANTITY (IN SHORT TONS)

Item	Entered during the restraint period	
	July 20 through January 19	January 20 through July 19
926.13:		
Argentina.....	"109"	"108"
Canada.....	"533"	"532"
Japan.....	"6,830"	"6,829"
Spain.....	"2,122"	"2,120"
Sweden.....	"856"	"855"
Other.....	"2,276"	"2,277"
926.18:		
Japan.....	"3,060"	"3,059"
Spain.....	"898"	"896"
Sweden.....	"1,913"	"1,912"
Other.....	"1,352"	"1,353"
926.23:		
Argentina.....	"111"	"110"
Austria.....	"1,311"	"1,312"
Canada.....	"766"	"764"
Japan.....	"2,230"	"1,677"
Poland.....	"137"	"136"
Spain.....	"89"	"88"
Sweden.....	"4,208"	"4,206"
Other.....	"1,472"	"1,474"

2. Headnote 10 to subpart A, part 2 of the TSUS is modified by deleting the word "Finland" from paragraph (g)(i).

Clayton Yeutter,

United States Trade Representative.

[FR Doc. 86-16252 Filed 7-18-86; 8:45 am]

BILLING CODE 3190-01-M

SMALL BUSINESS ADMINISTRATION

Region IX Advisory Council; Public Meeting

The U.S. Small Business Administration, Region IX, located in the geographical area of San Francisco, California, will hold a public meeting at 10:00 a.m., Wednesday, August 6, 1986, Sacramento Commercial Bank, Board Room, 525 "J" Street, Sacramento, California, to discuss such matters as may be presented by members, staff of the Small Business Administration and others attending.

For further information, write or call Michael E. Howland, District Director, U.S. Small Business Administration, 211 Main Street—4th Floor, San Francisco, California 94105, (415) 974-0642.

Jean M. Nowak,

Director, Office of Advisory Councils.

July 14, 1986.

[FR Doc. 86-16304 Filed 7-18-86; 8:45 am]

BILLING CODE 8025-01-M

Region VII Advisory Council; Public Meeting

The U.S. Small Business Administration Region VII Advisory Council, located in the geographical area of Kansas City, will hold a public meeting at 10:00 a.m., on Thursday,

August 7, 1986, at The Phillips House, 12th and Baltimore, Kansas City, Missouri, Memory Land Conference Room, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Glenn Davis, District Director, U.S. Small Business Administration, 1103 Grand Avenue, 6th Floor, Kansas City, MO 64106-(816) 374-5557.

Jean M. Nowak,

Director, Office of Advisory Councils.

July 14, 1986.

[FR Doc. 86-16305 Filed 7-18-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[RS&I Ap. No. 1016]

Seaboard System Railroad; Cancellation of Public Hearing

The Federal Railroad Administration (FRA) has cancelled the public hearing on the captioned signal waiver petition because the petition has been withdrawn by the railroad. The hearing had been scheduled for July 24, 1986, in Atlanta, Georgia.

In the now-withdrawn application that was to be the subject of this hearing, the Seaboard System Railroad petitioned the FRA seeking an exemption from the requirements of the last sentence of § 236.204 of the Rules, Standards and Instructions, which reads "In absolute permissive block signaling, when a train passes a head block signal it shall cause the opposing head block signal to display an aspect with an indication not more favorable than 'STOP.'" 49 CFR 236.204. (See the original hearing notice in 51 FR 22004, June 17, 1986.)

The FRA regrets any inconvenience occasioned by the cancellation of this hearing.

Issued in Washington, DC, on July 16, 1986.

Philip Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 86-16303 Filed 7-18-86; 8:45 am]

BILLING CODE 4910-06-M

Saint Lawrence Seaway Development Corporation

Establishment of the Advisory Group on Strategic Planning for the St. Lawrence Seaway

Notice is hereby given of the establishment of the Advisory Group on

Strategic Planning for the St. Lawrence Seaway reporting to Secretary of Transportation. The Advisory Group is charged with conducting a comprehensive review and making specific recommendations, on the development of a St. Lawrence Seaway strategic plan to address marketing of the Seaway system, incentive tolls, long-range infrastructure needs and financial planning.

The Charter is set forth below.

Additional information may be obtained from the Office of the Chief Counsel, Saint Lawrence Seaway Development Corporation, Room 5424, 400 7th Street SW., Washington, DC 20590 or by calling 202-366-0103.

Issued in Washington, DC, on July 14, 1986.

Saint Lawrence Seaway Development Corporation

James L. Emery,

Administrator.

Charter—Advisory Group on Strategic Planning for the St. Lawrence Seaway

Purpose: This Charter establishes an Advisory Group on Strategic Planning for the St. Lawrence Seaway and sets forth rules for its operation.

Scope and Objectives. The Group shall conduct a comprehensive review and make specific recommendations on the development of a St. Lawrence Seaway strategic plan to address marketing of the Seaway system incentive tolls, long-range infrastructure needs and financial planning. In making its recommendations, the Group shall consider the concerns of the various classes of users of the St. Lawrence Seaway, the interests of the ports the St. Lawrence Seaway serves, the economy of the maritime industry as well as the economy of states and provinces bordering the St. Lawrence Seaway, the national interests in obtaining the full potential of the St. Lawrence Seaway as a vital commercial waterway, and the need for a coordinated United States-Canadian commitment to St. Lawrence Seaway. This Group shall act in an advisory capacity to the Secretary of Transportation and shall not exercise program management responsibility or make decisions directly affecting the operation of the St. Lawrence Seaway.

Duties. The Group shall develop and submit its recommendations to the Secretary, through the Administrator, by November 1, 1986.

Duration. The Group shall terminate upon the submission of its recommendations.

Official to Whom Commission Reports. The Secretary, through the Administration.

Sponsor and Administration Providing Support Services. The Administrator of the Saint Lawrence Seaway Development Corporation shall be the Sponsor, and the Corporation shall furnish support services.

Estimated Annual Cost. .05 person-years; \$10,000.00

Membership. The Group shall consist of seventeen members and three co-chairmen. The members shall be:

James Thompson, Governor, State of Illinois

Steve Reimers, Chairman, Seaway Advisory Board

Thomas Burke, Executive Director, Cleveland-Cuyahoga Port Authority

Jacques LesStrang, Chairman &

Publisher, Seaway Review

Donna Wise, President, Center for the Great Lakes

David W. Oberlin, President, Fednay Lakes Services, Inc.

Pat Sullivan, Legislative Director, International Longshoreman's Association

Roger Truckor, Director of Transportation, The Andersons

Donna Owens, Mayor of Toledo, Ohio

Karl Quast, Chairman, Quast and Company, Inc.

Raf Hirtz, Great Lakes Manager, Louis Dreyfus Corporation

William Dempsey, President, Association of American Railroads.

Constance Holmes, Executive Director, Coal Exporters, Association

Lana Batts, Vice President, American Trucking Association, Inc.

Don Becker, Publisher & President, Journal of Commerce

Frank Augustbury, President, Adirondack North Country Association or such representative of alternate as each may designate, subject to the Co-Chairmen's approval. The Secretary may appoint a replacement for any member who declines both to serve and to send a representative or alternate.

In addition, the Secretary may appoint one additional member.

Officers. The Co-Chairmen will be Senator Mark Andrews of North Dakota, Congressman Carl Pursell of Michigan, and Congressman Henry Nowak of New York. The Secretary may appoint a replacement for any co-chairman who is unable or declines to serve.

Meeting. The Group shall meet, as appropriate, at the call of the Co-Chairmen.

Compensation for Members. The members shall not receive salary compensation but shall be reimbursed for travel and accommodation expenses.

Subcommittees. The Co-Chairmen are authorized to establish subcommittees from the membership of the Group.

Filing Date. August 5, 1986. This is the effective date of this Charter, which will expire November 30, 1986.

[FR Doc. 86-16274 Filed 7-18-86; 8:45 am]

BILLING CODE 4910-61-M

Urban Mass Transportation Administration

Intent To Prepare an Environmental Impact Statement on Alternative; Transit Improvements in Harris County, (Houston) TX

AGENCY: Urban Mass Transportation Administration (UMTA), DOT.

ACTION: Notice of intent to prepare an EIS and scoping meeting notice.

SUMMARY: The Urban Mass Transportation Administration (UMTA) and the Metropolitan Transit Authority of Harris County, Texas (Metro) will prepare an environmental impact statement (EIS) and hold scoping meetings for alternative transit improvements in several areas of Houston, Texas, including downtown, Post Oak, Greenway Plaza and the Texas Medical Center. The EIS is being prepared in conformance with 40 CFR Part 1500, Council on Environmental Quality, Regulations for Implementing the Procedural Requirements of the National Environmental Policy Act of 1969 as amended; and 49 CFR Part 622, Federal Highway Administration and Urban Mass Transportation Administration, Environmental Impact and Related Procedures.

FOR FURTHER INFORMATION CONTACT: Mr. Blas Uribe, UMTA Region VI, 819 Taylor Street, Suite 9A32, Ft. Worth, Texas 76102, telephone (817) 334-3787.

SUPPLEMENTARY INFORMATION:

Scoping Meeting

The dates of the public scoping meetings are August 5, 6, and 7, 1986, with the times and locations to be advertised in Houston's newspapers.

The purpose of the scoping meeting is to help establish the purpose, framework, and approach for the analysis. At the scoping meeting, staff will present a description of the proposed scope of the study using maps and visual aids, as well as a plan for an active citizen involvement program and a projected work schedule. Members of the public and interested Federal, State and local agencies are invited to comment on the proposed scope of work, alternatives to be assessed, impacts to be analyzed, and evaluation

criteria to be used to arrive at a decision. Comments may be made either orally at the meeting or in writing.

Background

The UMTA and the Metro have initiated this Alternatives Analysis/Environmental Impact Statement (AA/DEIS) in order to determine the appropriate transit service which should be offered in the "System Connector Corridor," including improved transit service and facilities designed to serve and connect the downtown, Post Oak, Greenway Plaza, and Texas Medical Center areas of Houston as well as connect the transitways of the region. Proposed improvements in the System Connector Corridor are the same as those proposed in Phase II of Metro's Regional Transit Plan.

Corridor Description

The proposed action is to improve the transit service in the "System Connector Corridor" which consists of the areas in the vicinity of the following highway facilities: starting from the I-10 (Katy Freeway)/I-610 (West Loop) interchange to downtown Houston, through downtown Houston to the vicinity of Main Street and US 59 (Southwest Freeway), west to Hillcroft Road, and from the vicinity of the US 59 (Southwest Freeway)/West Loop interchange to the Starting point. All of the "build" alternatives discussed below include improvements to the transit system along or adjacent to these routes.

Alternatives

The following initial alternatives are proposed for analysis in the AA/DEIS. Modification and combination of these alternatives, as well as the addition or elimination of alternatives may take place during the course of the study to reflect the suggestions and concerns of agencies and the public and the results of the analysis as it progresses.

No Action Alternative

Existing transportation facilities and services and currently committed transportation improvements, including Metro's five-year development plan.

Transportation System Management (TSM) Alternative

All improvements included in the No Action Alternative plus selected improvements in the region, expansion of Metro's bus fleet, in the corridor, seven new transit centers, and improvements to selected streets and highways so that transit connections and service improvements can be made without the construction of a fixed guideway.

Ramp Busway Alternative

All improvements included in the No Action Alternative, as well as additional bus service, plus approximately 19 miles of two-lane, two-directional busway along the corridor route described above, with access ramps at 14 locations (including eight new transit centers) along the guideway, and upgraded local streets downtown and in Galleria/Post Oak to serve the increased number of buses.

Station Busway Alternative

All improvements included in the No Action Alternative, as well as additional bus service, plus approximately 21 miles of two-lane, two-directional busway with 10 on-line stations, additional access to the busway will be provided at 5 new transit centers. In the downtown area a busway bypass will be provided with access ramps connecting upgraded local streets. This alternative also includes upgraded local streets in Galleria/Post Oak.

Light Rail Transit Alternative

All improvements included in the No Action alternative, as well as additional transit service, plus approximately 21 miles of two-directional light rail transit with 18 stations, two transit centers and upgraded streets and other transit improvements downtown.

Comments at the scoping meeting should focus on the appropriateness of these and other options for consideration in the study, not on individual preferences for a particular alternative as most desirable for implementation.

Probable Effects

Impacts identified for analysis include changes in the natural environment (air quality, noise, floodplains, drainage, water quality, etc.); changes in the social environment (land use, neighborhoods, displacements, etc.); and impacts on parklands, historic sites, changes in transit service and patronage, capital costs, operating costs, and financial implications. Impacts will be identified for the construction period and for the year 2000 for each alternative.

The proposed evaluation criteria include transportation, environmental, social, economic and financial measures as required by current Federal (NEPA) and State environmental laws and current CEQ and UMTA guidelines. Mitigating measures will be explored for any adverse impacts that are identified.

Comments at the scoping meeting should focus on the completeness of the proposed sets of impacts and evaluation criteria. Other impacts or criteria judged

relevant to local decision-making should be identified.

Issued on: July 15, 1986.

Scott Tuxhorn,

Acting Regional Administrator.

[FR Doc. 86-16335 Filed 7-18-86; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: July 15, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, DC 20020.

U.S. Customs Service

OMB Number: 1515-0004.

Form Number: CF 7505 and 7505-A.

Type of Review: Extension.

Title: Duty Paid Warehouse Withdrawal for Consumption/Consumption Permit.

Clearance Officer: Vince Olive (202) 566-9181, U.S. Custom Service, Room 6321, 1301 Constitution Avenue NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503. Douglas J. Colley,

Departmental Reports Management Office.

[FR Doc. 86-16330 Filed 7-18-86; 8:45 am]

BILLING CODE 4810-25-M

Comptroller of the Currency

[Delegation Order 27; Docket No. 86-15]

Order of Succession To Act as Comptroller

By virtue of the authority contained in 12 U.S.C. 4 and 4a, and by Treasury Order No. 129 (Rev. No. 2), dated April 22, 1955, it is ordered as follows:

A. During a vacancy in the Office or during the absence or disability of the Comptroller, the following officers shall possess the power and perform the duties attached by law to the Office of the Comptroller of the Currency in the order of succession enumerated:

- (1) Dean S. Marriott, Senior Deputy Comptroller for Bank Supervision ¹
- (2) Robert J. Herrmann, Deputy Comptroller of the Currency. ¹
- (3) Michael Patriarca, Deputy Comptroller for Multinational Banking
- (4) John F. Downey, Chief National Bank Examiner

B. In the event of an emergency attack on the continental United States, all Deputy Comptrollers for the Districts, including any acting Deputy Comptroller for the Districts, are authorized in their respective districts to perform any function of the Comptroller of the Currency or the Secretary of the Treasury, whether or not otherwise delegated, which is essential to carry out responsibilities otherwise assigned to them. The respective officers will be notified when they are to cease exercising the authority delegated in this paragraph.

C. Delegation Order No. 26 is hereby repealed.

Dated: July 2 1986.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 86-16334 Filed 7-18-86; 8:45 am]

BILLING CODE 4810-33-M

¹ Mr. Herrmann is first and Mr. Marriott is second in the order of succession in the exercise of the Comptroller's authority as an FDIC Board member on matters related to the closing of national banks.

Sunshine Act Meetings

Federal Register

Vol. 51, No. 139

Monday, July 21, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Securities and Exchange Commission.	1

1

SECURITIES AND EXCHANGE COMMISSION AGENCY MEETING

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of July 14, 1986:

A closed meeting will be held on Wednesday, July 16, 1986, at 2:30 p.m.

The Commissioners, Counsel to the Commission, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, July 16, 1986, at 2:30 p.m., will be:

Institution of injunctive action.
Institution of administrative proceeding of an enforcement nature.
Formal order of investigation.
Opinion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Douglas Michael at (202) 272-2476.

Jonathan G. Katz,

Secretary.

July 15, 1986.

[FR Doc. 86-16444 Filed 7-17-86; 3:59 pm]

BILLING CODE 8010-01-M

14 CFR Parts 25 and 121

Monday
July 21, 1986

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 25 and 121
Improved Flammability Standards for
Materials Used in the Interiors of
Transport Category Airplane Cabins

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 25 and 121

[Docket No. 24594; Amdt. Nos. 25-61 and 121-189]

Improved Flammability Standards for Materials Used in the Interiors of Transport Category Airplane Cabins

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; Request for additional comments.

SUMMARY: These amendments upgrade the fire safety standards for cabin interior materials in transport category airplanes by: (1) Establishing new fire test criteria for type certification; (2) requiring that the cabin interiors of airplanes manufactured after a specified date and used in air carrier service comply with these new criteria; and (3) requiring that the cabin interiors of all other airplanes type certificated after January 1, 1985, and used in air carrier service, comply with these new criteria upon the first replacement of the cabin interior after a specified date. These amendments are the result of research and fire testing and are intended to increase airplane fire safety.

The FAA also requests additional comments on the final flammability criteria for possible refinement of either the test procedures or acceptance criteria.

DATES: *Effective Date:* August 20, 1986.

ADDRESSES: Send comments to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket [AGC-204], Docket 24594, 800 Independence Avenue SW., Washington, DC 20591. Comments due on or before September 19, 1986.

FOR FURTHER INFORMATION CONTACT: Gary L. Killion, Manager, Regulations Branch (ANM-112), Transport Standards Staff, Aircraft Certification Division, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2112.

SUPPLEMENTARY INFORMATION:**Background**

These amendments are based on Notice of Proposed Rulemaking (NPRM) No. 85-10, which was published in the Federal Register on April 16, 1985 (50 FR 15038). The notice proposed to upgrade the flammability safety standards for materials used in the interiors of transport category airplane cabins.

As discussed in the notice, the FAA established a committee in June of 1978,

to examine the factors affecting the ability of the aircraft cabin occupant to survive in the post-crash environment and the range of solutions available. The Committee was composed of fire safety experts from the National Aeronautics and Space Administration, the aerospace industry, and the general public. Included in the recommendations of this committee, which was known as the Special Aviation Fire and Explosion Reduction (SAFER) Advisory Committee, were further research and development in regard to cabin materials and prompt evaluation and implementation of a method using radiant heat for testing cabin materials. The FAA concurred and initiated the necessary research and development. The resulting research and development program, which was managed and conducted primarily at the FAA Technical Center in Atlantic City, New Jersey, was designed to study aircraft fire characteristics, develop practical test methods, and investigate the feasibility of the various new standards being considered at that time. Further study concerning toxicity was conducted at the FAA Civil Aeromedical Institute (CAMI) in Oklahoma City.

Among the tests conducted at the Technical Center were full-scale fire tests using the fuselage of a military C-133 configured to represent a wide-body jet transport. The test conditions simulated representative post-crash external fuel-fed fires. Numerous laboratory tests were also conducted to correlate possible material qualification test methods with the full-scale tests. As a result of these tests, the Ohio State University (OSU) rate of heat release apparatus, as standardized by the American Society of Testing and Materials (ASTM), ASTM-E-906, was determined to be the most suitable for material qualifications. The OSU rate of heat release apparatus employs radiant heat, which the SAFER Advisory Committee recommended because it is most representative of the post-crash fire environment. The ability of the test method to adequately discriminate acceptable from unacceptable materials was verified using several generic materials. The generic materials covered a range of flammability characteristics and each was tested and ranked in the full-scale fire test facility. Sample materials were then tested and ranked using the OSU apparatus. The ranking of materials from the OSU tests was identical to that obtained in the full scale fire facility. Thus, the OSU apparatus demonstrated that it would accurately predict what could be expected of interior materials in typical post-crash fires. The proposed

acceptance criteria in Notice 85-10 were chosen in order to produce a significant retardation of flashover as predicted by the full-scale testing.

Consideration was also given to establishing separate test methods and standards for interior materials with respect to smoke and toxicity. As discussed in Notice 85-10, this was not done because of the lack of feasible test procedures, and because full-scale tests have shown a significant correlation between flammability characteristics and smoke and toxic emissions.

As proposed in Notice 85-10, all large interior surface materials installed above the floor in compartments occupied by the crew or passengers would have to be qualified to the new flammability standards. This would include sidewalls, ceilings, bins and partitions, galley structures, and any coverings on these surfaces. Smaller items, such as windows, window shades, or curtains, would not be included. Floor coverings, floor structure, seats, and service items would not be included for the reasons discussed in Notice 85-10. In addition to the testing required to meet the new flammability standards, interior materials would still have to meet the current vertical Bunsen burner test because extremely thin materials might not release enough heat to exceed the proposed standards, yet would be highly flammable.

As proposed, Part 25 would require the use of cabin interior materials meeting the new flammability standards for all transport category airplanes for which application for type certification is made after the effective date of the amendment. Part 121 would require the use of such materials in all airplanes newly manufactured two years or more after the effective date of the amendment and operated under the provisions of Part 121 or 135, regardless of the basis for type certification. (Section 135.169(a) incorporates the provisions of § 121.312 by reference insofar as operations with large airplanes are concerned.) In addition, all other large airplanes type certificated after January 1, 1958, and operated under the provisions of Part 121 or 135 would have to be modified to use such materials the first time the cabin interior is replaced after a date two years from the effective date of the amendment.

The public comment period for Notice 85-10 originally closed on July 15, 1985; however, as announced in Notice 85-10A (50 FR 30447; July 26, 1985), it was reopened until September 9, 1985. Subsequent to the issuance of Notice 85-10, an industry trade association and the

FAA Technical Center completed two series of round-robin tests to assess the reproducibility of test results using the OSU rate of heat release apparatus among various laboratories. In the round-robin testing, the same group of materials was tested by each laboratory. This assessment was necessary because preliminary testing by the industry to evaluate the cost impact of the proposed rule yielded results significantly different from those obtained using the FAA OSU apparatus. During the retesting, several materials representative of inservice interior panels were tested by the FAA, Ohio State University, and two large airplane manufacturers. The first series of tests completed subsequent to issuance of Notice 85-10, indicated that the FAA apparatus had an incorrect heat flux calibration, and there were several significant areas where other test apparatus differed from that of the FAA. The non-FAA test apparatus were modified to more closely match those of the FAA. After the second series of round-robin tests, much closer results were achieved among the laboratories.

Based on the round-robin tests, the Technical Center recommended certain adjustments in test procedures and acceptance criteria. In particular, the recommendations include: (1) Adjustment of the specimen exposure heat flux from 5 watts per square centimeter (W/cm^2) to $3.5 W/cm^2$; (2) elimination of the oxygen depletion method of measuring heat release, leaving only the thermopile method; (3) adjustment of the acceptance criteria for total heat release over the first two minutes of sample exposure from 40 to 65 kilowatt-minutes per square meter; and (4) inclusion of a requirement for a peak heat release rate of 65 kilowatts per square meter.

In Notice 85-10A the FAA proposed a change to the exposure heat flux from $5 W/cm^2$ to $3.5 W/cm^2$. The value in Notice 85-10 was based upon the incorrect heat flux calibration as discussed above. When the proper calibration was utilized a heat flux of approximately $3.5 W/cm^2$ resulted. Thus, the change in Notice 85-10A was merely to correct the heat flux value and resulted in no significant change to the test results from those experienced when the incorrect $5 W/cm^2$ value was used.

Measurement of the heat release rate by the oxygen depletion method in addition to the thermopile method was proposed in Notice 85-10 because the former was believed to be the more accurate and consistent method as shown by initial testing. During the

subsequent series of tests, the thermopile method was found to provide test results that were consistent with those of the oxygen depletion method. Because use of the oxygen depletion method adds to the complexity of the test and the equivalent is more difficult to maintain, the FAA recommended that it be deleted in Notice 85-10A.

The FAA proposed in Notice 85-10A to increase the acceptance criteria for heat release over the first two minutes of sample exposure from 40 to 65 kilowatt-minutes per square meter in conjunction with a maximum peak heat release limit of 65 kilowatts per square meter. The requirement for a maximum peak release would safeguard against the use of materials which have relatively low levels of total heat release but which, nevertheless, emit a large amount of heat over a short duration. The use of such materials could allow fire to spread rapidly through a cabin. During the series of round-robin testing there were numerous changes made to the test procedures from those used to establish that a heat release value of 40 kilowatts per square meter, as proposed in Notice 85-10, correlated with the intended level of safety derived from the full-scale tests. The new test procedures affected the correlation with the full-scale test results and discrimination of materials, such that the heat release value had to be increased to 65 kilowatts per square meter in order to maintain proper correlation. This change in value thus had no effect on the level of safety and discrimination of materials intended by Notice 85-10. As discussed in Notice 85-10A, a copy of the memorandum report containing recommendations made by the FAA Technical Center was placed in the Rules Docket for public inspection and comment during the reopened comment period.

Discussion of Comments

Numerous commenters, comprising airplane and equipment manufacturers, airplane operators, material producers, airplane crew organizations, foreign airworthiness authorities, other government organizations, and an individual, responded to Notices 85-10 and 85-10A. The vast majority of the commenters support the intent of the proposal; however, many believe that the test method is not sufficiently developed and that the FAA economic analysis of the proposal is understated. The following FAA responses to comments are discussed according to the subject matter of the comment.

One commenter believes that the standards for flammability of interior materials presently contained in § 25.853

are sufficient in light of the recently adopted standards for flammability of seat cushions, smoke detectors and hand-held fire extinguishers. The commenter further believes that the chances of survival would have diminished long before flashover occurs due to the intense heat required for flashover.

The FAA finds that, while the recently adopted standards do contribute significantly to the overall chance of survival in a post-crash environment, they do not, in any way, diminish the further improvement that is possible through the use of improved interior materials. Contrary to the commenter's belief, the full-scale tests have shown that safe egress is not precluded until the time flashover occurs.

Several commenters offer views concerning the decision of the FAA not to propose standards for smoke and toxicity. As discussed in Notice 85-10, the full-scale tests demonstrated a significant correlation between flammability and smoke emission characteristics in the materials tested. Because of this correlation, it is not necessary to establish separate test procedures for smoke and flammability. Flammability is a more significant factor in survivability than smoke alone. It would, therefore, be inappropriate to establish test procedures and standards for smoke in lieu of flammability. Similarly, the full-scale tests showed that there is a significant correlation between flammability and toxic emissions and that the severe hazard from toxic emissions occurs as a result of flashover in fires involving interior materials. Thus, the new flammability standards indirectly address toxicity by requiring the use of cabin interior materials with reduced heat release rates that delay or prevent the onset of flashover (a condition when high levels of toxic emissions occur). It must also be noted that standards for toxicity would be especially difficult to establish because levels of human tolerance to typical post-crash fire toxicants have not been adequately defined.

Several commenters express their concurrence with the FAA decision concerning smoke and toxicity. Contrary to this view, however, two commenters state that the amount of smoke and toxic gases released in a fire will be determined primarily by the amount of material decomposed by combustion or thermal degradation and that the amount of decomposed material is, in turn, primarily a function of fire propagation across the surface. The commenters conclude from this that the proposed rate of heat release test is not

suitable to evaluate these criteria. The FAA Technical Center, in conjunction with the National Bureau of Standards, has previously evaluated possible test means of measuring the rate of flame spread. None were found to be feasible for type certification testing. It should be noted, however, that the full-scale fire tests conducted by the Technical Center did involve spreading flames. The correlation of the rate of heat release tests with the full-scale tests has shown that heat release is an indication of the rate of flame spread; therefore, the FAA does not concur with the commenters' conclusion.

One commenter questions the FAA decision not to adopt criteria for smoke and toxicity with respect to in-flight fires originating behind panels. As stated previously, the criteria proposed in Notices 85-10 and 85-10A was based upon post-crash external fuel-fed fires. These represent the largest percentage of fires resulting in injuries or fatalities. While the long term effects of smoke or toxicants from hidden in-flight fires is of concern to the FAA, additional research is necessary to define the essential fire parameters and identify valid, realistic material performance criteria. Rather than delay this rulemaking until a complete fire solution is available for in-flight fires originating behind panels, the FAA believes it is important to potential occupant survival in post-crash fires to proceed with this rulemaking and address the in-flight fire hazard at a later date through FAA research being conducted to evaluate the hidden fire threat.

Two commenters request assurance that no further rulemaking with respect to smoke and toxicity is anticipated in the foreseeable future. Based on the information currently available, the FAA has no plans to establish standards for either smoke or toxicity; however, this does not preclude taking such action in the future if, as noted above, further research shows such standards are warranted and human tolerance levels can be adequately defined.

One commenter believes that the rate of heat release test is costly and unnecessary. In lieu of this test, the commenter proposes to revise § 25.853 by eliminating the 12 second vertical test and requiring that all materials pass the 60 second vertical test. The allowable burn length would also be reduced from six inches to three inches, and standards for smoke and toxicity would be established. The FAA does not concur that the commenter's proposal would achieve the desired improvement in post-crash survivability. The interior materials that would have to meet the

proposed rate of heat release test are, in fact, currently required to pass the 60 second vertical test in accordance with § 25.853(a) and paragraph (d) of Part I of Appendix F to Part 25. Thus, the commenter in effect is proposing to do nothing more than is presently being required, the end result being no improvement in material flammability. Also, the Bunsen burner test is not an adequate test to predict the behavior of materials when subjected to the high radiant heat of a post-crash fire. Smoke and toxicity standards are not considered appropriate or feasible for the reasons noted above.

One commenter believes that the vertical Bunsen burner test currently required by § 25.853 should be deleted because materials which will pass the proposed rate of heat release test will also pass the vertical Bunsen burner test. The FAA concurs that typical interior materials which will pass the rate of heat release test will easily pass the vertical Bunsen burner test. It is possible, however, that an extremely thin material might not release enough heat to exceed the proposed standards, yet would be highly flammable. The vertical Bunsen burner test is relatively simple and inexpensive to perform. It is, therefore, retained to ensure that unacceptable thin, highly flammable materials which would pass the rate of heat release test will not be used.

One commenter questions why the flammability standards proposed in Notice 85-10 were not also proposed for transport category rotorcraft which are type certificated under the provisions of Part 29 of this Chapter. The FAA research and development program, which led to the proposed standards, was based on a typical post-crash, externally-fed fire scenario involving a large airplane. The scenario assumed that, due to the size of the airplane, at least some of the occupants would be distant enough to survive the initial outbreak of the fire. Delaying the involvement of the entire cabin in the fire would, therefore, afford occupants more time in which to safely egress. Due to their relatively small cabin size, this scenario would not be applicable to typical transport category rotorcraft. Additional investigation would be necessary to establish typical rotorcraft post-crash fire scenarios and to determine whether realistic survivability improvements could be expected. There is reason to believe that the new technologies in interior materials created by persons complying with this rule would be used in other categories of aircraft without regulatory action.

Two commenters request the exclusion of smaller transport category airplanes from compliance with the proposed flammability standards. One of the two notes that the economic benefits of the proposed standards would not be realized for smaller transport category airplanes and that the accident record of such airplanes should be examined separately. The other commenter notes that the smaller transport category airplanes are frequently outfitted with more luxurious executive type interiors and subsequently used for executive charter or air taxi operations under the provisions of Part 135. The commenter notes that the materials tested during the FAA research and development program reflect the more mundane interiors found in air carrier cabins with high density seating and do not reflect those found in the more luxurious executive interiors. The commenter further notes that the evacuation time needed for smaller transport category airplanes is greatly reduced when compared to large, high density airline airplanes and, therefore, the exposure to heat, smoke, and fumes from burning material is greatly minimized. The commenter suggests that airplanes of 30 passenger capacity or less operating under the provisions of Part 135 should be excluded from compliance with the new standards.

The FAA concurs that the research and development program which led to the proposed standards was based on a scenario involving a larger airplane and may not have produced data directly applicable to the smaller transport category airplanes. Also, the FAA concurs that the time needed to evacuate smaller transport category airplanes with relatively few passengers is much less than that needed for large, high density airline airplanes. The FAA does not agree, however, that the materials tested are not representative of interiors that might be used in executive interiors used in Part 135 operations. To the contrary, the materials used in executive interiors would fall within the range of materials tested and thus the proposed criteria would be appropriate for executive interiors. Even if materials are used that are outside the range of the materials tested, the proposed criteria would still be adequate since they are based upon unchanging laws of physics and ensure an appropriate level of safety. While the FAA believes that there is a size of airplane at which the expected benefits from the proposed rule will significantly diminish, results of past flammability tests provide no basis to exclude

airplanes of 30 passenger capacity or less. Furthermore, no data was presented by the commenter to justify its proposal. Thus, the FAA has looked to existing safety standards to delineate a logical airplane capacity below which compliance with the proposed rules is not required.

A maximum capacity of 19 passengers has been recognized previously as an appropriate dividing line in a number of issues involving cabin safety. For example, § 135.107 requires a flight attendant to be on board an airplane operated under the provisions of Part 135 with a passenger seating capacity greater than 19. Similarly, 19 passengers is the maximum seating capacity with which normal category airplanes may be type certificated under the provisions of Special Federal Aviation Regulations (SFAR) 41 for operation under Part 135. For the same reasons that 19 passengers was chosen as the dividing line in these other issues and for consistency, 19 passengers is considered an appropriate dividing line for the new flammability standards. Accordingly, § 25.853 specifies that the flammability standards apply only to airplanes with passenger capacities greater than 19. This, of course, applies also to airplanes operated under Part 121, as § 121.312 will incorporate the provisions of § 25.853 by reference, and to those operated under Part 135, as § 135.169 incorporates the provisions of § 121.312, in turn, by reference. As discussed above, this amendment applies primarily to a post-crash, externally-fed fire scenario. As also discussed above, the FAA intends to conduct further research concerning the effects of fires in hidden areas. This action does not preclude future rulemaking that would require smaller airplanes to comply with the new flammability standards if warranted by further research.

A number of commenters believe that the regulatory evaluation is in error and that the actual cost will be several times greater than the estimate contained in Notice 85-10 because more testing would be required than assumed in the cost analysis. The FAA has revised the economic analysis for this rule based upon this and other comments addressed later in this document. Compliance with the 65 kilowatts per square meter standard has been extended to 4 years rather than the 2 years proposed to reduce the economic impact of the rule.

Comments suggested the FAA testing was flawed because it only looked at generic materials during the full-scale tests. Commenters also suggest that some generic materials containing

certain base resins, such as phenolics, demonstrated good performance while actual in-service panels with the same base resins showed less than desirable results. As a result of these discrepancies in test results, commenters have characterized the OSU rate of heat release test procedures as an unreliable predictor of the performance of materials under expected post-crash fire conditions. The FAA does not agree with these characterizations.

The generic materials were not developed to be completely identical to in-service panels. Instead, they were developed to provide a continuum of test results over a range of expected values for typical in-service panels. It must be understood that the objective of the test was not to establish the behavior of typical in-service panels but to perform enough testing to show that the small-scale OSU apparatus accurately predicted the full-scale test results. It is not necessary to use in-service materials to show this correlation. The FAA believes that the correlation has unquestionably been demonstrated. The fact that in-service panels with base resins identical to those of generic panels tested do not behave in the same manner does not surprise the FAA. The in-service materials have flammable decorative finishes over the basic honeycomb/resin matrix which produces these "apparent" discrepancies. The FAA believes that OSU apparatus results showing some in-service materials behave worse than similar generic materials are accurate and are merely a reflection of the fact that the decorative material diminishes the overall performance of the panel. The FAA believes that commenters suggesting that the rulemaking should be deferred until full-scale testing could be conducted on all in-service materials to properly rank their flammability have possibly misunderstood the basic objectives of the FAA full-scale testing as discussed above.

Commenters also suggested that the rulemaking action was premature because the previously discussed round-robin testing showed that the material tested within a particular laboratory showed inadequate repeatability and the values were not correlatable from laboratory to laboratory. As previously discussed, the differences in test results have already been minimized by the changed test procedures and equipment that have resulted from the two series of tests conducted jointly by the Technical Center and the trade association members. Data presented by the three industry laboratories and the FAA, as

contained in the docket, shows good repeatability of results within a particular laboratory. With regard to correlation between individual laboratories, even the industry organization that was generally critical of the OSU test results stated, "While these variations (between lab averages) range in the 10 to 15 percent levels they are considered reasonable, particularly for fire testing with the attendant problems and the tendency for each fire to have its own personality." The FAA concurs with this commenter and believes the level of correlation to be very good and well within the range expected for flammability testing. The FAA further believes that the test correlation and repeatability demonstrated by the second series of round-robin tests clearly demonstrates the adequacy of the OSU apparatus as a discriminator of materials to a level necessary to proceed with this rulemaking. The FAA still believes there are additional improvements that could be made to improve correlation and is further evaluating the discrepancies between the four laboratory test apparatus. The FAA plans a third series of round-robin tests to assess what improvements can be made in test results correlation. Nevertheless, the FAA clearly believes the present demonstrated correlation is sufficient to proceed with use of the proposed OSU test apparatus and will enhance the level of fire protection safety.

Commenters also note that the OSU rate of heat release apparatus specified for compliance with the proposed flammability standards is costly and not widely available. Presently, the FAA is aware of four laboratories that have the OSU rate of heat release apparatus in use for testing airplane interior materials for certification. One is in use at OSU on a consulting basis, two are used by domestic aircraft manufacturers, and one is used by a European aircraft manufacturer. Fifteen other laboratories in the U.S. currently use OSU rate of heat release apparatus for non-aircraft applications. Presumably these would also be available for aircraft use, if needed. It is anticipated that other laboratories will acquire the OSU rate of heat release apparatus as the need develops. While the OSU rate of heat release apparatus is more costly than the Bunsen burner required to show compliance with the present standards, the FAA is not aware of, and commenters have not proposed, any other test method that is a satisfactory means of showing compliance with the new flammability standards.

Commenters disagree with the statement in Notice 85-10 that, "there is no cost associated with switching manufacturing processes to use only materials which comply with the proposed tests." As an example, one commenter cites the change from thermo-formed parts to resin impregnated glass fiber which involves high cure temperatures and special tools. The statement in Notice 85-10 was based on the assumption that the already widely used material, which was found to give the minimum acceptable performance in the full-scale testing, would be retained and could be used to replace materials that do not meet the new flammability standards. The FAA does concur, however, that additional costs would be incurred in switching to materials requiring new manufacturing processes. Another commenter disagrees with the assumption that, of six types of airplanes now in production, each has only four types of panels (sidewalls, partitions, ceilings and storage bins), making a total of 24 types to be evaluated. The commenter notes that many more tests would have to be conducted due to variations in size, material, decorative finish, etc. Commenters also note that tests would have to be conducted as part of the quality control process, as well as for type certification. It should be pointed out that tests are already required to establish the quality of interior materials. The FAA anticipates no significant increase in the amount of testing necessary to establish the quality of the manufactured materials, although it concedes that some quality testing may be of a more sophisticated and thus more costly nature. The regulatory analysis for this rulemaking has been updated to consider these comments and other information provided by the various commenters.

Some commenters believe that additional full-scale tests should be conducted to verify that the new flammability standards are appropriate. The FAA does not concur. As stated before, full-scale testing using generic materials has shown the small-scale OSU test procedures to be appropriate in predicting material behavior. There is no reason to believe that the suitability of in-service materials will not correspond to the results provided by the generic materials tested.

Two commenters believe that the two year compliance period for newly manufactured airplanes would be unnecessarily long. One of these suggests that a period of one year would be appropriate. On the other hand, a

number of other commenters believe that two years does not allow sufficient time to select new materials, evaluate their feasibility, conduct the necessary qualification tests, develop any new manufacturing processes, and place orders. They note that the normal procurement process requires components to be ordered at least one year prior to the time the airplane for which they are intended is completed. One commenter suggests a compliance period of five years. The FAA considers five years to be excessive but, in view of the above factors, does concur that the proposed two year compliance period might be too short. The FAA believes that the requirement to meet the heat release value of 65 kilowatts per square meter within 2 years imposes a greater burden on the industry than originally expected. The FAA further anticipates that the amount of developmental testing necessary and the need to develop new manufacturing processes makes the two year compliance period unrealistic. The FAA believes a 4 year compliance time is more appropriate to comply with the heat release value of 65 kw/cm², but wants to preclude some of the highly flammable materials identified during FAA testing from being installed during that 4-year period. Thus, the final rule contains an interim 2-year period after which interior materials used in newly manufactured or completely replaced interiors must have a heat release value of 100 kilowatts per square meter or less. The FAA chooses the 100 kw/cm² value because tests show that value eliminates materials which are clearly unacceptable to both the FAA and commenters. The standard provided by this value will prevent the use of these materials during the interim period. These intermediate standards will preclude the use of materials found to be especially flammable, such as acrylonitrile-butadiene-styrene (ABS) and polycarbonate. The intermediate standards will result in an early incremental increase in safety and will prevent any degradation in the present level of safety due to increased use of these materials.

As proposed, all large airplanes type certificated after January 1, 1958, and operated under the provisions of Part 121 or 135 would have to be modified to use materials that meet the new flammability standards the first time the cabin interior is replaced after a date 4 years from the effective date of the amendment. The selection, qualification and procurement processes for operators are essentially the same as those for manufacturers of new airplanes. An interim period of 2 years

with intermediate standards has also been imposed for the reasons cited above with respect to newly manufactured airplanes. (As also noted above, the requirement will apply to airplanes with passenger capacities greater than 19, rather than all "large airplanes".)

Several commenters request clarification of the expression "upon the first replacement of the cabin interior", as used in proposed § 121.312(a) (2) and (3). As discussed in Notice 85-10, the replacement of individual panels on a piece-meal basis would not significantly increase the level of safety and might result in parts incompatibility. The intent of this expression is, therefore, to require the use of the new materials whenever there is a substantially complete replacement of the interior materials that are subject to the new flammability standards. Whether other interior items, such as seats, flooring, etc., are replaced or retained is not relevant to a determination that interior materials meeting the new flammability standards must be used. The term "substantially" is used to ensure that materials meeting the new flammability standards are used when minor components not significant to the overall interior flammability are retained. Refurbishment of interior components by replacing the decorative finish would not constitute "replacement" provided the refurbished components are reinstalled in the same airplane. On the other hand, components removed from one airplane, refurbished and installed in another airplane on a rotational basis would have to meet the new flammability standards. Paragraphs 121.312(a) (2) and (3) have been reworded to clarify their applicability.

Two commenters believe that the interior materials should meet the new flammability standards within five years after the effective date regardless of whether they are replaced for other reasons. A mandatory retrofit was not proposed for the reasons cited in Notice 85-10.

As proposed in Notice 85-10, all larger interior surface materials installed above the floor in compartments occupied by the crew or passengers would have to meet the new flammability standards. This would include sidewalls, ceilings, bins and partitions, galley structures, and any coverings on these surfaces, but would not include smaller items, i.e., windows, window shades or curtains. Several commenters offer views or request clarification as to the interior materials that would have to meet the new standards. In particular, commenters

question whether the new standards would apply to complex door moldings and clear or translucent plastic components, e.g., light lenses in ceiling panels, other light lenses, and window anti-scratch panels. One commenter notes that materials used in sidewalls and panels at low level wear areas should be exempted. The commenter asserts that requiring such materials to meet the new standards would provide little benefit and cause considerable cost. Similarly, another commenter believes that the exclusion of some low-priced, high wear parts could significantly reduce the cost impact of the regulation without reducing the resultant benefits. Other commenters believe that materials used in internal galley structure and those used in the internal construction of stowage compartments should be exempted because such materials would not be exposed to direct flame impingement. On the other hand, one commenter believes that the new standards should apply to passenger service units. Another believes that they should apply to curtains and shades.

The primary purpose of the new flammability standards is to ensure that interior materials with large outer surface areas will not become involved rapidly and contribute to a fire when exposed to flames. The internal structure of galleys and storage bins need not meet the proposed standards because such structure would not be exposed to an external flame until well after flashover occurs and further egress is unlikely. The new flammability standards do not apply to transparent or translucent components such as lenses used in interior lights and illuminated signs, and window anti-scratch panels, because of the lack of materials which will meet the flammability standards and still have the light transmissibility characteristics which are vital in emergency situations. Because of their relatively small volume and surface area, small parts (e.g. door and window moldings, seat trays, arm rests, etc.), need not meet the new flammability standards. For the same reason, small detail parts of the passenger service units need not meet the new standards. Any large surface areas of passenger service units that comprise the undersides of the overhead storage bins would, however, have to meet the new flammability standards because they could contribute significantly to a fire. The FAA does not concur that requiring materials used in sidewalls and panels at low level in high wear areas to meet these standards would provide little benefit and cause considerable cost.

During the full-scale testing, it was found that there is very little involvement of flooring until after flashover. This is not true, however, of side panels and partitions, even the portions near the floor. While some of the materials that are traditionally used for high wear areas might not meet the new flammability standards, there are other available materials that are feasible for this purpose. Section 25.853(a-1) has been reworded to clarify the applicability of the new flammability standards.

While the comment that curtains and shades should have been included goes beyond the scope of the notice, it is noted that curtains and shades were not included in the proposed rulemaking because no materials meeting the new standards were considered feasible for such use.

As announced in Notice 85-10A, the FAA has recommended that the heat release rate be measured by the thermopile method alone. Due to conflicting test results, several commenters also express the belief that only one method should be used. Two believe that the oxygen depletion method is superior to the thermopile method; however, most support the FAA. The two series of tests conducted by the industry trade association and the FAA have shown that the thermopile and oxygen depletion methods provide consistent results. The thermopile is an integral part of the OSU test apparatus, while the oxygen depletion method would require additional expenditure for added test equipment. The thermopile is, therefore, adopted as the sole method of measuring the rate of heat release.

Several commenters note discrepancies and typographical errors concerning the oxygen depletion method. As only the thermopile method will be used, these comments are no longer relevant.

One commenter believes that the radiant heat flux of 3.5 W/cm^2 , is too low, while another expresses the opposite view. A third commenter speculates that testing with one heat flux level does not seem to be sufficient for characterization of burning behavior. As noted above, the two series of tests conducted jointly by the FAA and members of the industry trade association showed that the correlation with the full-scale tests was much better and the results were more consistent with 3.5 W/cm^2 . Testing with more than one heat flux level is not considered appropriate because the results of tests conducted at one level would not be consistent with those obtained at another level. In view of the above, a

radiant heat flux of 3.5 W/cm^2 is adopted in lieu of 5.0 W/cm^2 .

One commenter believes that an independent group, such as the Center for Fire Research at the National Bureau of Standards, should review this matter to determine whether the recommended changes are warranted. The FAA does not concur because the recommendations are based on sound test results, and an independent review would unduly delay introduction of improved materials in service.

Several commenters express their concern that testing specimens in a vertical position is not adequate for materials that melt and drip, i.e., thermoplastics and thermoplastic composites. Based on their experience in testing such materials, the FAA Technical Center recommended the use of a wire mesh to hold the specimen in place and a drip pan to collect molten material. As noted above, the recommendations of the Technical Center have been adopted; therefore, no further difficulties in this regard are anticipated.

Two commenters note that the OSU test apparatus, as described by ASTM-E-906, is still a research tool and should not be used as a means of regulatory compliance. One of the two notes that it is restricted by ASTM to use in research and development because no data were presented to show a correlation between small-scale and large-scale tests. While such correlation may not have existed at the time ASTM standardized and adopted the OSU test apparatus, adequate correlation has been provided by the tests conducted by the FAA. The FAA, therefore, does not concur with the commenters in this regard.

One commenter suggests basing the flammability standards on qualification of base materials rather than by qualification of completed components so that the cost of interiors installed and approved by supplemental type certificates, i.e., those installed by modifiers as opposed to those installed by the original airplane manufacturer, would be minimized. The two series of tests conducted jointly by the FAA and members of the industry trade association have shown that design features, i.e., the decorative finish, have a very significant effect on the flammability characteristics of a component. While a means might be developed in the future to extrapolate the results of testing the base material to the completed component, there is presently no assurance that the completed component meets the flammability standards unless the

component itself is tested. Also, there is no justification for allowing the flammability standards for interiors installed by an airplane modifier to be lower than those required for the original manufacturer of the airplane.

Several commenters note deficiencies in the figures that describe the test apparatus, particularly Figure 1. The figures have been revised to correct these deficiencies and to reflect other changes believed necessary by the FAA. Other commenters note typographical errors in the text of the proposed rulemaking which have been corrected.

One commenter notes that the fuel used in testing interior materials is not kerosene as in a post-crash fire and as specified for seat cushion testing. The test fuel is not part of the testing, per se. It is merely a fuel with a standard heat value that is used to calibrate the test apparatus. The radiant heat used during the actual testing is generated electrically. The test fuel was specified as "methane or natural gas having 90 percent or more methane" in Notice 85-10. In order to improve consistency of test results, the test fuel is specified as "at least 99 percent methane" in the final rule.

One commenter inquires as to whether the FAA had performed a comparison of materials which meet European Standard ATS 1000 with those that meet the standards proposed in Notice 85-10. The FAA has not made a direct comparison of materials. It is noted, however, that ATS 1000 consists essentially of a vertical Bunsen burner test, a smoke emission test similar to that proposed by the FAA in Notice 75-3 (40 FR 6505; February 12, 1975) and later withdrawn, and a measurement of toxic gas emissions. ATS 1000 would, therefore, provide no assurance that a material would meet the flammability standards proposed in Notice 85-10.

One commenter notes that ASTM E-906 defines the upper and lower pilot burners as alternatives representing nonimpinging and impinging ignition sources, respectively, and inquires as to why simultaneous exposure to both burners was proposed in Notice 85-10. Exposure to both burners was proposed because the testing conducted by the FAA Technical Center showed that test results are more reproducible when both burners are used.

Several commenters note problems in burner construction and adjustment. These problems were corrected by changes recommended by the FAA Technical Center and adopted in this final rule.

Since the time Notice 85-10 was issued, existing Appendix F of Part 25 has been reidentified as Appendix F,

Part I, the new standards for flammability of seat cushions have been adopted as Appendix F, Part II (Amendment 25-59; 49 FR 43188; October 26, 1984), and standards for cargo or baggage compartments have been adopted as Appendix F, Part III (Amendment No. 25-60; 51 FR 18236; 5-16-86). The new standards for flammability of interior materials are, therefore, reidentified as Appendix F, Part IV. Other nonsubstantive conforming editorial changes have also been made.

Additional Round-Robin Testing

Since the opening of the comment period some commenters have expressed concerns regarding the repeatability of the FAA OSU test apparatus and procedures. The FAA plans to conduct a third series of round-robin tests in August, 1986. The FAA is confident that the final series of round-robin tests will simply reconfirm that any apparent disparity between laboratories is primarily a function of inconsistent calibration.

Nevertheless, the third round-robin is expected to be completed in August, and the test data will be placed in the docket within 30 days of completion of the tests. If the tests do in fact reveal that changes in the final rule are necessary, we will publish an appropriate notice in the Federal Register within 60 days of completion of the testing.

Request for Comments

As stated before, the FAA believes that the results of its research and the second series of round-robin tests clearly demonstrate the efficiency of this amendment. Very late in the regulatory process the FAA received a comment indicating that the two industry organizations involved in the round-robin testing had identified a better test procedure to discriminate materials. No data was presented to give the FAA confidence that a suggested test procedure was either attainable or correlatable with past FAA full-scale testing. The FAA knows of no other tests which presently show promise of correlation and is skeptical at this point because the SAFER panel of experts (which contained representative from the above-discussed industry organizations) recommended the OSU apparatus and the FAA evaluated several other possible test procedures before selecting the OSU tests. Nevertheless, based upon this comment and an apparent feeling by most of the commenters that the FAA is moving too rapidly in this rulemaking, the FAA is requesting further comments on both the test procedure and the

appropriateness of the 65 kilowatts per square meter performance criteria.

FAA does not believe the comments received to date warrant abandoning the rulemaking or delaying it further. Based upon results of completed research, the FAA believes that it is time to implement attainable increases in fire safety in transport airplanes. Thus, the FAA has moved to final action on Notices 85-10 and 85-10A. The FAA will review all additional comments submitted and, within 1 year after publication of this amendment in the Federal Register, will publish a document discussing all comments, presenting FAA findings based upon the comments, and proposing any necessary revisions to the requirements contained herein. Comments submitted to Docket Number 24594 within 6 months after the publication of this rule in the Federal Register will be considered. Procedures identified in Notices 85-10 and 85-10A for filing comments should be followed. Comments should be accompanied by test results as appropriate and commenters should address the cost impact of all suggested revisions to the standards.

Regulatory Evaluation

I. Cost Benefit Analysis

The analysis reviews amendments to Parts 25 and 121 which would upgrade the fire safety standards for materials used in the cabin interiors of transport category airplanes with passenger capacities of 20 or more. Such airplanes will have to use materials which meet the new standards if application for type certificate is made after the effective date of the amendment. In addition, other such airplanes used in air carrier service will have to use materials which meet the new standards if they are newly manufactured after a specified date, or for those type certificated after January 1, 1958, if the cabin interior is replaced after a specified date.

The amendments result from FAA efforts recommended by the FAA sponsored Special Aviation Fire and Explosion Reduction (SAFER) Advisory Committee. The rule addresses flammability considerations of cabin materials by an improved flammability test.

Compliance with this rule is possible within the current state-of-the-art in cabin materials. The cabin interior components covered are ceiling and wall panels (other than lighting lenses), partitions, and the outer surfaces of galleys, large cabinets and stowage compartments (other than underseat stowage compartments and

compartments for stowing small items, such as magazines and maps).

The test procedures used for showing compliance with the new standards are relatively simple. Although the OSU test apparatus is more costly than the Bunsen burner used for showing compliance with the current standards, the cost is minimal when compared with the overall cost of type certification testing for the airplane. Information available to the FAA indicates that the materials used in specific components do not change frequently over the production life of an airplane so that any future cost for type certification testing is incurred infrequently.

The tests already conducted indicate that a number of materials presently used comply with the new standards. Furthermore, these materials cost basically the same as other materials used today, which do not meet the new standards. In view of the established compliance periods, there are no apparent difficulties in substituting these materials for components which fail to meet the new standards. There is no cost associated with switching over manufacturing processes to use these materials in lieu of those which fail to meet the new standards. Some manufacturers may elect to use newly developed materials which do involve new manufacturing processes; however, the additional costs of manufacturing with these new processes are expected to be minimal when compared to the overall cost of manufacturing the components used in cabin interiors.

In light of comments received and other information that was not available at the time Notice 85-10 was issued, the FAA now considers the preliminary estimate of the cost of meeting the new standards to be too low. The discounted costs are now expected to range between \$2.32 million and \$2.72 million (mid-point of \$2.52) for design, engineering and certification testing to assure compliance for a specific group of panel materials. These are non-recurring costs, and costs after the six years following the effective date of the amendments are expected to be negligible.

The benefits from these amendments result from the increased likelihood of surviving an in-flight cabin fire or a crash which involves a post-crash fire. The improved flammability standards will provide an additional increment of time for passengers trapped in a burning airplane to escape. This, in turn, will allow more passengers to survive in a given situation. The benefits of these amendments are in addition to those resulting from the improved seat cushion standards contained in Amendments 25-

59 and 121-184 because of the additional survival time increment gained and resultant additional lives saved. Unlike the costs, which will be incurred largely over the first four years, the benefits will not start until the fourth year and will increase gradually thereafter as airplanes with new materials are phased into service.

The National Bureau of Standards (NBS), on FAA's behalf, recently conducted an extensive review of all commercial accidents worldwide in which fire was a factor in fatalities. While the NBS study dealt primarily with standards for seat cushions, the conclusions reached with respect to escape time and survivability are equally applicable to these proposals. A copy of the NBS study, Report No. DOT/FAA/CT-84/8, entitled "Decision Analysis Model for Passenger-Aircraft Fire Safety with Application to Fire-Blocking of Seats" and dated April 1984, has been placed in the Rules Docket and is available for public inspection. Based on the results of the NBS study and a monetized value of \$650,000 per life, the FAA estimates that the cumulative difference in lives saved and damage reduced by the year 2000 will amount to a discounted benefit of approximately \$6.3 million. These benefits are discounted to a present value using a ten percent discount rate. The benefit to cost ratio is, therefore, approximately 2.5 to 1.

The complete economic analysis for these amendments has been placed in the Rules Docket and is available for public inspection.

II. Regulatory Flexibility Act Determination

A Final Regulatory Flexibility was made in compliance with the Regulatory Flexibility Act. The conclusion in the initial regulatory evaluation, that the amendments would not result in a significant economic impact for a substantial number of small entities, is not altered by the present evaluation.

III. International Trade Assessment

These amendments will have little or no impact on trade opportunities for both U.S. firms doing business overseas and foreign firms doing business in the U.S. The amendments affect the rules for certifying new airplanes. Also, newly manufactured airplanes for the U.S. market, whether made by U.S. or foreign manufacturer, will have to comply with the rules. Any cost of compliance is negligible, however, when compared to the cost of designing and testing a new airplane.

Conclusion: For the reasons discussed earlier in the preamble, the

FAA has determined that this regulation is not considered to be major under Executive Order 12291. The FAA has determined that this action is significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA certifies that this rule does not have a significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act, since none would be affected. A regulatory evaluation of this action, including a Regulatory Flexibility Determination and a Trade Impact Assessment, has been prepared for this regulation and has been placed in the docket. A copy of this evaluation may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects

14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety.

14 CFR Part 121

Aviation safety, Safety, Air carriers, Air transportation, Aircraft, Airplanes, Flammable materials, Transportation, Common carriers.

Adoption of the Amendment

Accordingly, Parts 25 and 121 of the Federal Aviation Regulations (FAR), 14 CFR Parts 25 and 121 are amended as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for Part 25 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. By amending § 25.853, by adding a new paragraph (a-1).

§ 25.853 Compartment interiors.

(a-1) For airplanes with passenger capacity of 20 or more, interior ceiling and wall panels (other than lighting lenses), partitions, and the outer surfaces of galleys, large cabinets and stowage compartments (other than underseat stowage compartments and compartments for stowing small items, such as magazines and maps) must also meet the test requirements of Part IV of Appendix F of this Part, or other approved equivalent method, in addition to the flammability requirements

prescribed in paragraph (a) of this section.

3. By amending Appendix F by adding a new Part IV to read as follows:

Appendix F to Part 25

Part IV. Test Method to Determine the Heat Release Rate From Cabin Materials Exposed to Radiant Heat.

(a) *Summary of Method.* The specimen to be tested is injected into an environmental chamber through which a constant flow of air passes. The specimen's exposure is determined by a radiant heat source adjusted to produce the desired total heat flux on the specimen of 3.5 W/cm², using a calibrated calorimeter. The specimen is tested so that the exposed surface is vertical. Combustion is initiated by piloted ignition. The combustion products leaving the chamber are monitored in order to calculate the release rate of heat.

(b) *Apparatus.* The Ohio State University (OSU) rate of heat release apparatus, as described below, is used. This is a modified version of the rate of heat release apparatus standardized by the American Society of Testing and Materials (ASTM), ASTM E-906.

(1) This apparatus is shown in Figure 1. All exterior surfaces of the apparatus, except the holding chamber, shall be insulated with 25 mm thick, low density, high-temperature, fiberglass board insulation. A gasketed door through which the sample injection rod slides forms an airtight closure on the specimen hold chamber.

(2) *Thermopile.* The temperature difference between the air entering the environmental chamber and that leaving is monitored by a thermopile having three hot and three cold, 32 gauge Chromel-Alumel junctions. The hot junctions are spaced across the top of the exhaust stack. Two hot junctions are located 25 mm from each side on diagonally opposite corners, and the third in the center of the chimney's cross-section 10 mm below the top of the chimney. The cold junctions are located in the pan below the lower air distribution plate (see paragraph (b)(4)).

(i) *Thermal Inertia Compensator.* A compensator tab is made from 0.55 mm stainless steel sheet, 10 by 20 mm. An 800 mm length of 24 gauge Chromel-Alumel, glass insulated, duplex thermocouple wire is welded or silver soldered to the tab as shown in Figure 2, and the wire bent back so that it is flush against the metal surface.

(ii) The compensator tab must be mounted on the exhaust stack as shown in Figure 3 using a 6-32 round head machine screw, 12 mm long. Add small (approximately 4.5 mm O.D., 9 mm O.D.) washers between the head of the machine screw and the compensator tab to give the best response to a square wave input. (One or two washers should be adequate.) The "sharpness" of the square wave can be increased by changing the ratio of the output from the thermopile and compensator thermocouple which is fed to the recorder. The ratio is changed by adjusting the 1-K ohm variable resistor (R_1) of the thermopile bleeder shown in Figure 4. When adjusting compensation, keep R_1 as small as possible. Adjustment of the compensator must be made during calibration

(see paragraph (c)(1)) at a heat release rate of 7.0 plus or minus 0.5 kW.

(iii) Adjust the washers and the variable resistor (R_1) so that 90 percent of full scale response is obtained in 8 to 10 seconds. There must be no overshoot, as shown in Figure 5A. If an insufficient number of washers is added, or R_1 is too small, the output with square wave input will look like Figure 5B; if too many washers are added and R_1 is too large, the output will look like Figure 5A.

(iv) Subtract the output of the compensator from the thermopile. The junctions enclosed in the dotted circle of Figure 4 are kept at the same constant temperature by electrically insulating the junctions and placing them on the pipe carrying air to the manifold, then covering them and the pipe with thermal insulation.

(v) Thermopile hot junctions must be cleared of soot deposits on a daily basis during periods of testing.

(3) *Radiation Source.* A radiant heat source for generating a flux up to 100 kW/m², using four silicon carbide elements, Type LL, 20 inches (50.8 cm) long by 1/2 inch (1.27 cm) O.D., nominal resistance 1.4 ohms, is shown in Figures 6A and 6B. The silicon carbide elements are mounted in the stainless steel panel box by inserting them through 15.9 mm holes in 0.8 mm thick ceramic fiber board. Location of the holes in the pads and stainless steel cover plates are shown in Figure 6B. The diamond shaped mask of 24 gauge stainless steel is added to provide uniform heat flux over the area occupied by the 150 by 150 mm vertical sample. A power supply of 12.5 kVA, adjustable from 0 to 270 volts, is required.

(4) *Air Distribution System.* The air entering the environmental chamber is distributed by a 6.3 mm thick aluminum plate having eight, No. 4 drill holes, 51 mm from sides on 102 mm centers, mounted at the base of the environmental chamber. A second plate of 18 gauge steel having 120, evenly spaced, No. 28 drill holes is mounted 150 mm above the aluminum plate. A well-regulated air supply is required. The air supply manifold at the base of the pyramidal section has 48, evenly spaced, No. 26 drill holes located 10 mm from the inner edge of the manifold so that 0.03 m³/second of air flows between the pyramidal sections and 0.01 m³/second flows through the environmental chamber when total air flow to apparatus is controlled at 0.04 m³/second.

(5) *Exhaust Stack.* An exhaust stack, 133 mm by 70 mm in cross section, and 254 mm long, fabricated from 28 gauge stainless steel, is mounted on the outlet of the pyramidal section. A 25 mm by 76 mm plate of 31 gauge stainless steel is centered inside the stack, perpendicular to the air flow, 75 mm above the base of the stack.

(6) *Specimen Holders.* The 150 mm x 150 mm specimen is tested in a vertical orientation. The holder (Figure 7) is provided with a specimen holder frame, which touches the specimen (which is wrapped with aluminum foil as required by paragraph (d)(3) of this Part) along only the 10 mm perimeter, and a "V" shaped spring to hold the assembly together. A detachable 12 mm x 12 mm x 150 mm drip pan is also provided for testing of materials prone to melting and dripping.

The positioning of the spring and frame may be changed to accommodate different specimen thicknesses by inserting the retaining rod in different holes on the specimen holder.

Since the radiation shield described in ASTM E-906 is not used, a guide pin is added to the injection mechanism. This fits into a slotted metal plate on the injection mechanism outside of the holding chamber and can be used to provide accurate positioning of the specimen face after injection. The front surface of the specimen shall be 100 mm from the closed radiation doors after injection.

The specimen holder clips onto the mounted bracket (Figure 7). The mounting bracket is attached to the injection rod by three screws which pass through a wide area washer welded onto a 1/2 inch nut. The end of the injection rod is threaded to screw into the nut and a .020 inch thick wide area washer is held between two 1/2 inch nuts which are adjusted to tightly cover the hole in the radiation doors through which the injection rod or calibration calorimeter pass.

(7) *Radiometers.* A total-flux flush (calorimeter) mounted in the center of a 1/2 inch Kaowool "M" board inserted in the sample holder must be used to measure the total heat flux. The total-flux calorimeter must have a view angle of 180 degrees and be calibrated for incident flux. The calorimeter calibration must be acceptable to the Administrator.

(8) *Pilot-Flame Positions.* Pilot ignition of the specimen must be accomplished by simultaneously exposing the specimen to a lower pilot burner and an upper pilot burner, as described in paragraph (b)(8)(i) and (b)(8)(ii), respectively.

(i) *Lower Pilot Burner.* The pilot-flame tubing must be 6.3 mm O.D., 0.8 mm wall, stainless steel tubing. A mixture of 120 cm³/min. of methane and 850 cm³/min. of air must be fed to the lower pilot flame burner. The normal position of the end of the pilot burner tubing is 10 mm from and perpendicular to the exposed vertical surface of the specimen. The centerline at the outlet of the burner tubing must intersect the vertical centerline of the sample at a point 5 mm above the lower edge of the specimen.

(ii) *Upper Pilot Burner.* The pilot burner must be a straight length of 6.3 mm O.D., 0.8 mm wall, stainless steel tubing that is 360 mm long. One end of the tubing shall be closed, and three No. 40 drill holes shall be drilled into the tubing, 60 mm apart, for gas ports, all radiating in the same direction. The first hole must be 5 mm from the closed end of the tubing. The tube is inserted into the environmental chamber through a 6.6 mm hole drilled 10 mm above the upper edge of the window frame. The tube is supported and positioned by an adjustable "Z" shaped support mounted outside the environmental chamber, above the viewing window. The tube is positioned above and 20 mm behind the exposed upper edge of the specimen. The middle hole must be in the vertical plane perpendicular to the exposed surface of the specimen which passes through its vertical centerline and must be pointed toward the radiation source. The gas supplied to the

burner must be methane adjusted to produce flame lengths of 25 mm.

(c) *Calibration of Equipment.*—(1) *Heat Release Rate.* A burner as shown in Figure 8 must be placed over the end of the lower pilot flame tubing using a gas tight connection. The flow of gas to the pilot flame must be at least 99 percent methane and must be accurately metered. Prior to usage, the wet test meter is properly leveled and filled with distilled water to the tip of the internal pointer while no gas is flowing. Ambient temperature and pressure of the water, are based on the internal wet test meter temperature. A baseline flow rate of approximately 1 liter/min is set and increased to higher preset flows of 2, 4, 6 and 8 liters/min. The rate is determined by using a stopwatch to time a complete revolution of the wet test meter for both the baseline and higher flow, with the flow returned to baseline before changing to the next higher flow. The thermopile baseline voltage is measured. The gas flow to the burner must be increased to the higher preset flow and allowed to burn for 4.0 minutes, and the thermopile voltage must be measured. The sequence is repeated until all four values have been determined. The average of the four values must be used as the calibration factor. The procedure must be repeated if the percent relative standard deviation is greater than 5 percent. Calculations are shown in paragraph (f).

(2) *Flux Uniformity.* Uniformity of flux over the specimen must be checked periodically

and after each heating element change to determine if it is within acceptable limits of plus or minus 5 percent.

(d) *Sample Preparation.*

(1) The standard size for vertically mounted specimens is 150 × 150 mm for exposed surface with thickness up to 100 mm.

(2) *Conditioning.* Specimens must be conditioned as described in Part 1 of this appendix.

(3) *Mounting.* Only one surface of a specimen will be exposed during a test. A single layer of 0.025 mm aluminum foil is wrapped tightly on all unexposed sides.

(e) *Procedure.* (1) The power supply to the radiant panel is set to produce a radiant flux of 3.5 W/cm². The flux is measured at the point which the center of the specimen surface will occupy when positioned for test. The radiant flux is measured after the air flow through the equipment is adjusted to the desired rate. The sample should be tested in its end use thickness.

(2) The pilot flames are lighted and their position, as described in paragraph (b)(8), is checked.

(3) The air flow to the equipment is set at 0.04 plus or minus 0.001 m³/s at atmospheric pressure. Proper air flow may be set and monitored by either: (1) An orifice meter designed to produce a pressure drop of at least 200 mm of the manometric fluid, or by (2) a rotometer (variable orifice meter) with a scale capable of being read to plus or minus 0.0004 m³/s. The stop on the vertical

specimen holder rod is adjusted so that the exposed surface of the specimen is positioned 100 mm from the entrance when injected into the environmental chamber.

(4) The specimen is placed in the hold chamber with the radiation doors closed. The airtight outer door is secured, and the recording devices are started. The specimen must be retained in the hold chamber for 60 seconds, plus or minus 10 seconds, before injection. The thermopile "zero" value is determined during the last 20 seconds of the hold period.

(5) When the specimen is to be injected, the radiation doors are opened, the specimen is injected into the environmental chamber, and the radiation doors are closed behind the specimen.

(6) A negative heat release will occur due to heat absorption by the cold specimen holder. Data-acquisition devices must have the capability of following these negative outputs and correcting the sample burn with a "blank" test result.

(7) Injection of the specimen marks time zero. A continuous record of the thermopile output must be made during the time the specimen is in the environmental chamber.

(8) The test duration time is five minutes.

(9) A minimum of three specimens must be tested.

(f) *Calculations.* (1) The calibration factor is calculated as follows:

$$K_h = \frac{(F_1 - F_0)}{(V_1 - V_0)} \times \frac{(210.8 - 22)k_{cal}}{\text{mole}} \times \frac{273}{T_a} \times \frac{P - p_v}{760} \times \frac{\text{mole CH}_4\text{STP}}{22.41} \times \frac{\text{WATT.min}}{.01433\text{kcal}} \times \frac{\text{kw}}{1000\text{w}}$$

F₀ = flow of methane at baseline (1pm)

F₁ = higher preset flow of methane (1pm)

V₀ = thermopile voltage at baseline (mv)

V₁ = thermopile voltage at higher flow (mv)

T_a = Ambient temperature (K)

P = Ambient pressure (mm Hg)

P_v = Water vapor pressure (mm Hg)

(2) Heat release rates may be calculated from the reading of the thermopile output voltage at any instant of time as

$$\text{HRR} = \frac{(V_m - V_b)}{.02323 \text{ m}^2} \times K_h$$

HRR = Heat release Rate kw/m²

V_m = measured thermopile voltage (mv)

V_b = "Blank" thermopile voltage

K_h = Calibration Factor (Kw/mv)

V_b is the "blank" test obtained by a run conducted with an empty sample holder assembly. See paragraph (7) above.

(3) The integral of the heat release rate is the total heat release as a function of time and is calculated by multiplying the rate by the data sampling frequency in minutes and summing the time from zero to two minutes.

(g) *Criteria.* The total positive heat release over the first two minutes of exposure for each of the three or more samples tested must be averaged, and the peak heat release rate for each of the samples must be averaged. The average total heat release must not exceed 65 kilowatt-minutes per square meter, and the average peak heat release rate must not exceed 65 kilowatts per square meter.

(h) *Report.* The test report must include the following for each specimen tested:

(1) Description of the specimen.

(2) Radiant heat flux to the specimen, expressed in W/cm².

(3) Data giving release rates of heat (in kW/m²) as a function of time, either graphically or tabulated at intervals no greater than 10 seconds. The calibration factor (k_a) must be recorded.

(4) If melting, sagging, delaminating, or other behavior that affects the exposed surface area or the mode of burning occurs, these behaviors must be reported, together with the time at which such behaviors were observed.

(5) The peak heat release and the 2-minute integrated heat release rate must be reported.

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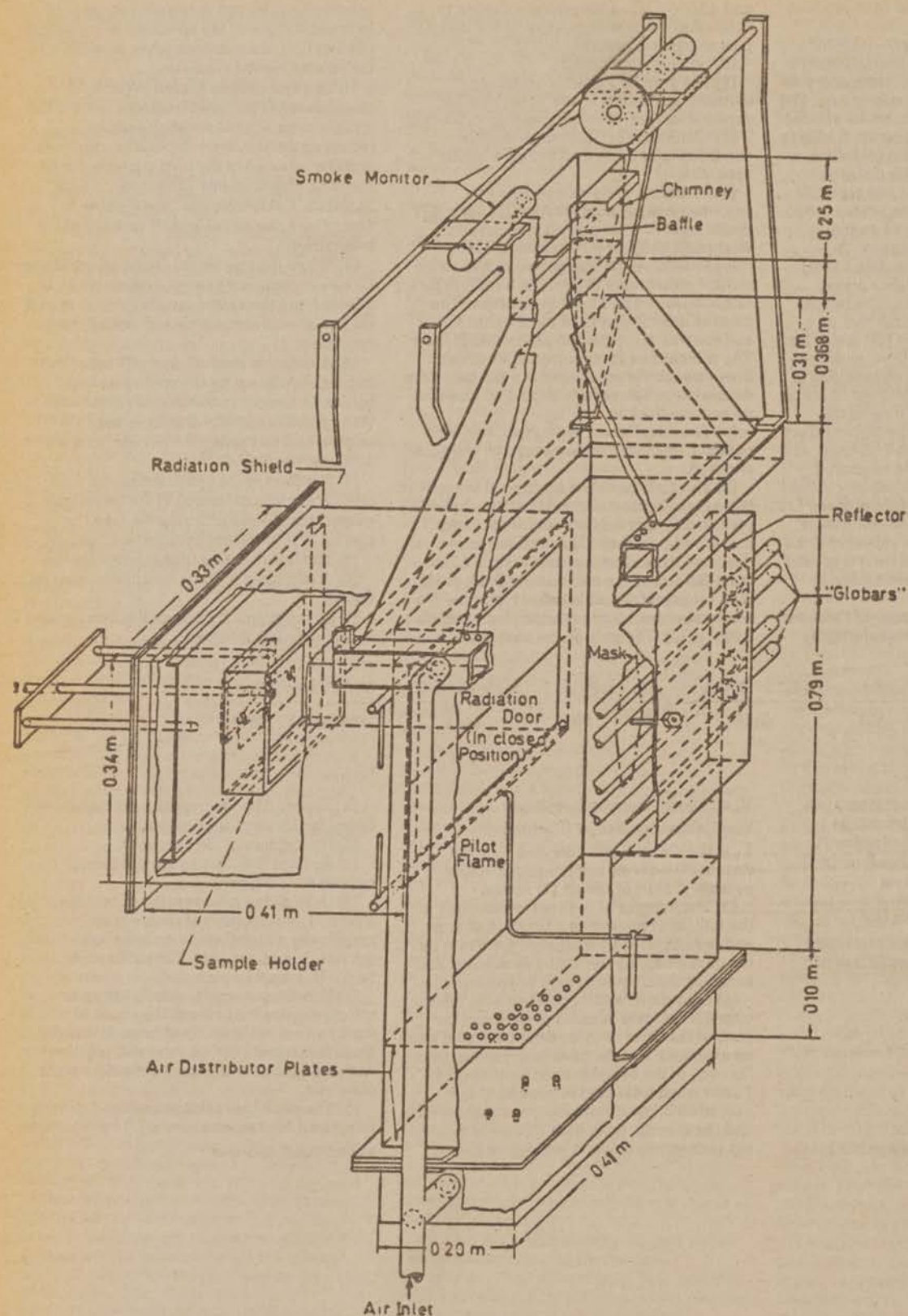
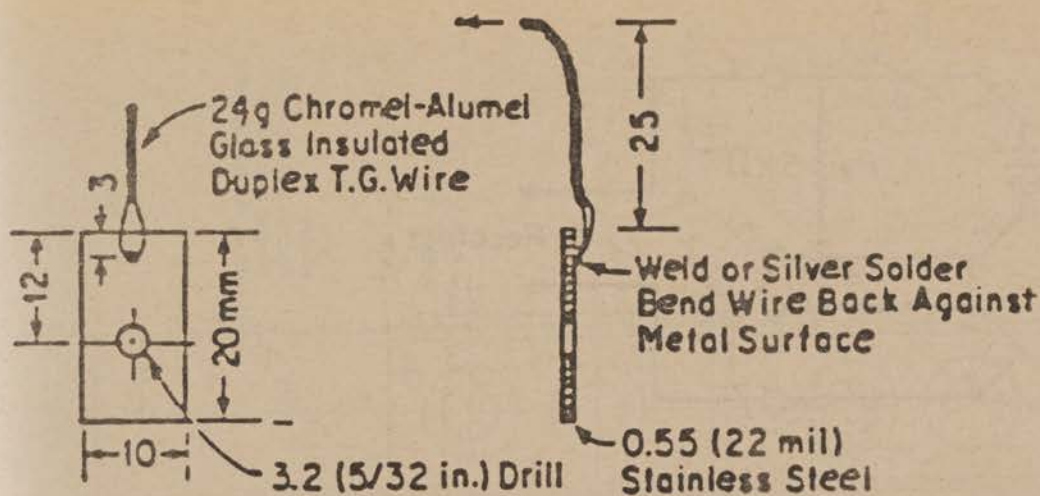


Figure 1. Release Rate Apparatus



(Unless denoted otherwise, all dimensions are in millimeters.)

Figure 2. Compensator Tab

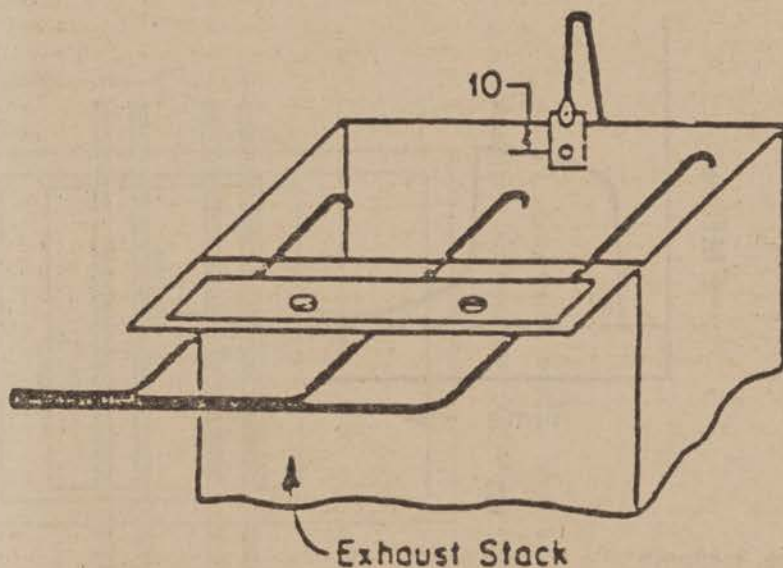


Figure 3. Compensator Tab Mount

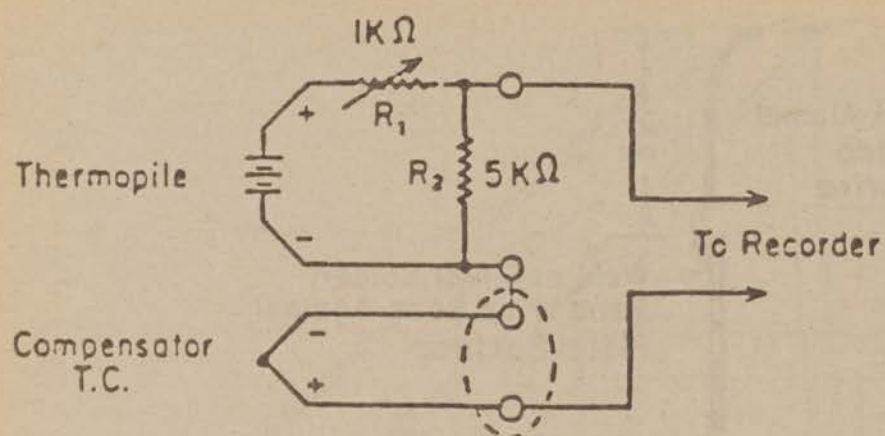


Figure 4. Wiring Diagram

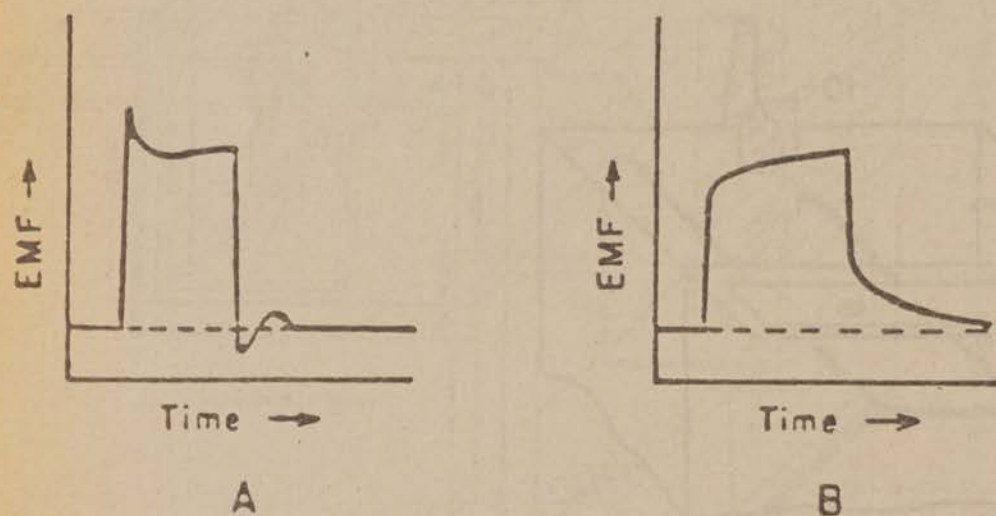
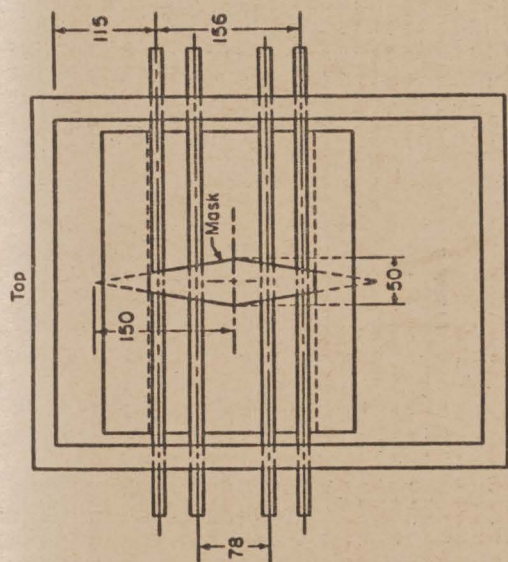
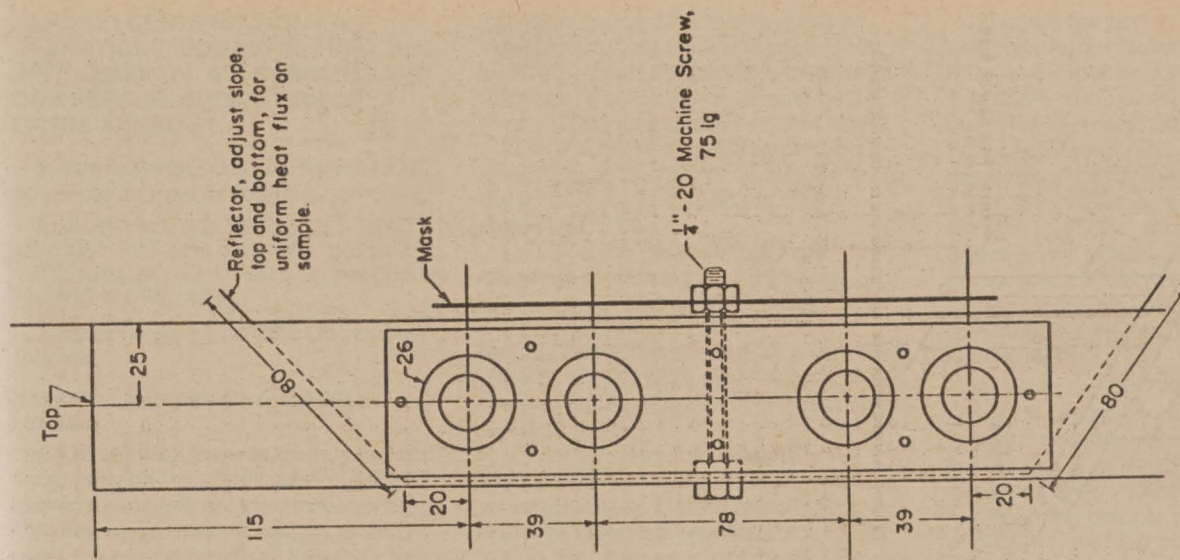


Figure 5. Square Wave Response



(Unless denoted otherwise, all dimensions are in millimeters.)

Figure 6A. "Globar" Radiant Panel



(Unless denoted otherwise, all dimensions are in millimeters.)

Figure 6B. "Globar" Radiant Panel

PART 121 CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

4. The authority citation for Part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421-1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983) 49 CFR 1.47(a).

5. By revising § 121.312(a) to read as follows:

§ 121.312 Materials for compartment interiors.

(a) Except for those materials covered by paragraph (b) of this section, all materials in each compartment used by the crewmembers or passengers must meet the requirements of § 25.853 of this chapter in effect as follows or later amendment thereto:

(1) All airplanes manufactured on or after August 20, 1988, but prior to August 20, 1990 must comply with the provisions of § 25.853 in effect August 20, 1986, except that the total heat

release over the first two minutes of sample exposure must not exceed 100 kilowatt-minutes per square meter and the peak heat release rate must not exceed 100 kilowatts per square meter.

(2) All airplanes manufactured on or after August 20, 1990 must comply with the provisions of § 25.853 in effect August 20, 1986.

(3) Upon the first substantially complete replacement of the cabin interior prior to August 20, 1988.

(i) An airplane for which the application for type certificate was filed prior to May 1, 1972, must comply with the provisions of § 25.853 in effect on April 30, 1972;

(ii) An airplane for which the application for type certificate was filed on or after May 1, 1972, must comply with the materials requirements under which the airplane was type certificated.

(4) Upon the first substantially complete replacement of the cabin interior on or after August 20, 1988, airplanes type certificated on or before January 1, 1958, must comply with the provisions of § 25.853 in effect on April 30, 1972.

(5) Upon the first substantially complete replacement of the cabin interior components subject to § 25.853(a-1) on or after August 20, 1988, but prior to August 20, 1990, airplanes type certificated after January 1, 1958, must comply with the provisions of § 25.853 in effect August 20, 1986 except that the total heat release over the first two minutes of sample exposure shall not exceed 100 kilowatt-minutes per square meter, and the peak heat release rate shall not exceed 100 kilowatts per square meter.

(6) Upon the first substantially complete replacement of the cabin interior components identified in § 25.853(a-1) on or after August 20, 1990, airplanes type certificated after January 1, 1958, must comply with the provisions of § 25.853 in effect on August 20, 1986.

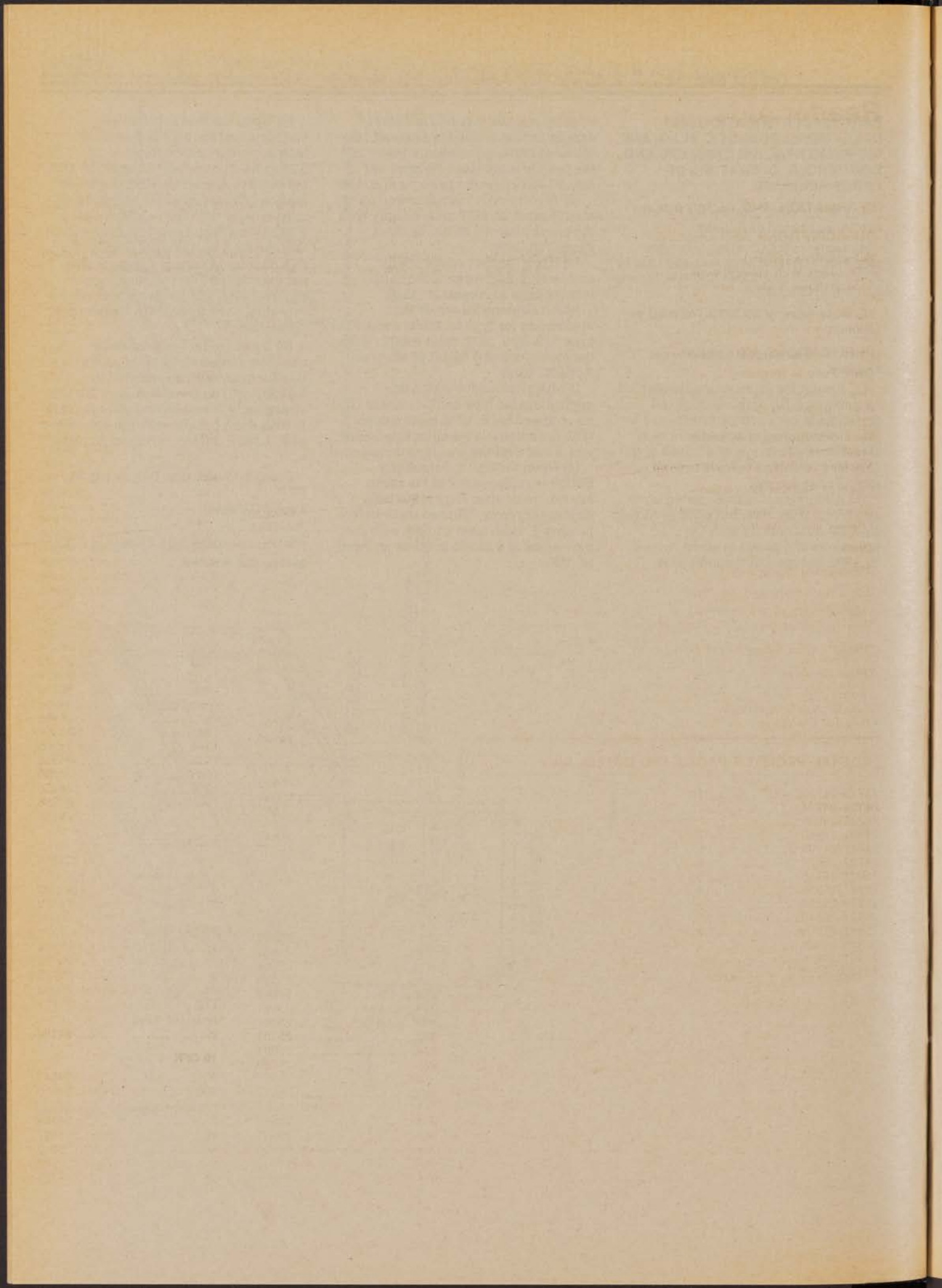
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Issued in Washington, D.C., on July 10, 1986.

Donald D. Engen,
Administrator.

[FR Doc. 86-16045 Filed 7-18-86; 8:45 am]

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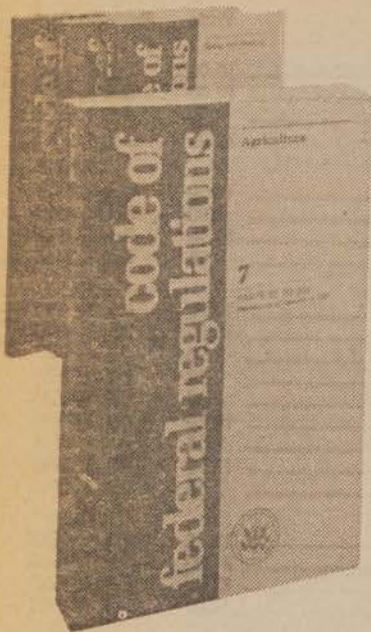
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